

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Uplands Area Planning Sub-Committee
Held in the Council Chamber at 2.00 pm on **Monday, 26 June 2023**

PRESENT

Councillors: Julian Cooper (Chair), Rizvana Poole (Vice-Chair), Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Jeff Haine, David Jackson and Mark Walker

Officers: Joan Desmond (Principal Planner), Kelly Murray (Senior Planning Officer), James Nelson (Planning Officer), Emile Baldauf-Clark (Planning Officer), Peter Morgan (Planning Officer) and Max Thompson (Senior Democratic Services Officer) and Anne Learmonth (Democratic Services Officer).

Other Councillors in attendance: Nil.

74 Apologies for Absence and Temporary Appointments

Apologies for absence were received from Councillors Alaa Al-Yousuf, Tim Sumner and Dean Temple.

75 Declarations of Interest

Declarations of Interest were received as follows:

23/01121/FUL Land at Manor Farm, Chapel Lane, Enstone.

Councillor Andrew Beaney declared he was a governor of Enstone Primary School for the purpose of transparency.

76 Minutes of Previous Meeting

The minutes of the meeting held on Monday 5 June 2023 were approved and signed by the Chair as a correct record.

77 Applications for Development

22/02472/FUL Land at Former Home Close Farm, Shilton Road, Burford.

Joan Desmond, Principal Planner introduced the application for a solar park and energy storage facility together with associated works, equipment and necessary infrastructure. The Principal Planner drew the Committee's attention to the Additional Representations Report which included information from the Biodiversity Officer and Archaeology Officers respectively.

Mark Henderson spoke in support of the application on behalf of the applicant.

The Chair invited questions for clarification from the Committee. Councillors asked for the following points to be clarified:

- Whether the grid connection was secured. It was confirmed this would happen in the next 12 months.
- Whether there would be any benefits offered to the community. There would not be.
- Clarification on the life span of the site. The site would have a life span of 40 years covered in Condition 14 of the application.

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The Principal Planner continued with the presentation which clarified the following points:

- Relevant Local Plan including policy EH6
- No objections from Biodiversity Officer or Archaeology Officer.
- Impact on landscape and setting of Cotswolds AONB
- Mineral safeguarding concerns raised by the County
- Meeting of Climate Change targets.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Loss of green fields
- Necessary Highway improvements
- Proposed landscaping to limit the impact on the surrounding area
- Consultation with Oxfordshire County Council over drainage and minerals.

The Chair, Councillor Julian Cooper proposed that the application be approved, in line with Officer's recommendations. This was seconded by Councillor Jeff Haine, was put to the vote and was unanimously approved by the Committee.

Committee **Resolved** to:

- I. Approve the application in line with the Officer's recommendations.

23/00294/HHD and 23/00295/LBC Upper Farm, Cleverley

Emile Baldauf-Clark, Planning Officer, introduced both applications for Upper Farm, Cleverley for internal and external alterations to the main house and outbuildings including a double storey rear extension to the main house and proposed roof lights to the garage.

Julian Craughan, the applicant, spoke in support of the application.

The Chair invited questions for clarification from the Committee. Councillors asked for the following point to be clarified:

- The engagement between the applicant and the Conservation and Planning Officers

The Planning Officer continued with the presentation which clarified the following points:

- Application did not conform with policies in Local Plan
- Impact of harm on conservation aspect of property
- Proposed plans would see an increase in size and a more modern look
- Would raise the height of the existing roof.
- Would be of no wider public benefit.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Clarification on the pre-application process
- The policies of the Local Plan that protects listed buildings

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- The modern design incorporated into the listed building, with reference to heights of the ridgeline of the roof.
- Design to fit around family and use of modern heating systems.

Councillor Jeff Haine proposed that the application 23/00294/HHD be refused, in line with Officer's recommendations. This was seconded by Councillor Julian Cooper, was put to the vote 6 for and 1 against and was approved by the Committee.

Committee **Resolved** to:

1. Refuse the application in line with the Officer's recommendations.

Councillor Jeff Haine proposed that the application 23/00295/LBC be refused, in line with Officer's recommendations. This was seconded by Councillor Julian Cooper, was put to the vote 6 for and 1 against and was approved by the Committee.

Committee **Resolved** to:

1. Refuse the application in line with the Officer's recommendations.

23/00603/FUL The Homestead, Frog Lane.

James Nelson, Planning Officer, introduced the application for the erection of two dwelling and associated works, with the recommendation for refusal.

Gareth Jones, the applicant spoke in support of the application.

The Chair invited questions for clarification from the Committee. Councillors asked for the following points to be clarified:

- Clarification on whether the dwellings would be self builds – the applicant confirmed that the land would not be sold to developers.

The Planning Officer continued with the presentation which clarified the following points:

- The application was in conflict with the NPPF framework and polices guidance.
- It would potentially have an urbanising effect on the village
- Negative impact as the village is part of the Cotswolds AONB.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Not in agreement with the recommendations of the report
- Pointed out that there were no objections from the consultees, neighbours and parish council.
- Addressed the housing needs in the area
- As the site would be for self builds there would be more control over the design and materials used.
- Would be proportionate to the size and scale of the area
- Applicant confirmed that proceeds would be used to improve the Homestead property.

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Councillor Jeff Haine proposed that the application be approved, against Officer's recommendations. This was seconded by Councillor Lidia Arciszewska, was put to the vote 6 for and 1 against and was approved by the Committee.

Committee **Resolved** to:

- I. Approve the application against the Officer's recommendations with the following conditions;
 - a) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
 - b) That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
 - c) Prior to first occupation of the dwellings hereby approved, the site shall be landscaped and boundary treatments erected in accordance with the details shown on approved plan ref. 092_23_PL_PR_007 and thereafter be maintained in accordance with the that plan. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
 - d) No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.
REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.
 - e) Prior to the erection of external walls, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
 - f) Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

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- g) The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

- h) No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include, measures to be taken to minimise disturbance from noise, dust, site lighting and prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

- i) No construction works shall take place on site outside the hours of 08:00 to 18:00 between Monday-Friday and 08:00-13:00 on Saturdays. No construction works shall take place on Sundays or Bank Holidays.

REASON: To safeguard living conditions of neighbours during construction.

- j) The development shall be completed in accordance with the recommendations in West Oxfordshire District Council's precautionary method of working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and thereafter permanently maintained.

REASON: To ensure common amphibians, terrestrial mammals and nesting birds are safeguarded in accordance with the Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- k) Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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- l) No development shall take place (including vegetation/site clearance) until reasonable avoidance measures for reptiles and great crested newts has been submitted to and approved in writing by the Local Planning Authority. The approved document shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles and great crested newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- m) That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

Informatives

West Oxfordshire District Council's Precautionary Method of Working document can be found here: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

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The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 – 2020 as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

23/01/21/FUL Land at Manor Farm, Chapel Lane, Enstone.

Peter Morgan, Planning Officer, introduced the application for the formation of new field access onto A44.

Rebecca Catling, applicant, spoke in support of the application.

The Chair invited questions for clarification from the Committee. Councillors asked for the following points to be clarified:

- Clarification on the access from Cleverly Road – the applicant confirmed this did not affect her.

The Planning Officer continued with the presentation which clarified the following points:

- The application complied with the relevant policies
- There were no objections from Highways
- The design was considered acceptable for the use Objections from parents of the local school and suggestion of limited hours of access to avoid the start and end of the school day.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- A request was made for a condition for agricultural use only

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- Concerns about Enstone being busy at times traffic wise
- Hazards for other road users and pedestrians
- Clarification on the ownership of the field – the Planning Officer confirmed that the field has multiple ownership with an East/West split.

Councillor Andrew Beaney proposed that the application be approved, in line with the Officer's recommendations including a suitable condition to limit its use during peak school run times. This was seconded by Councillor David Jackson, was put to the vote and was unanimous and was approved by the Committee.

Committee **Resolved** to:

- I. Approve the application in line with the Officer's recommendations and recommended conditions.

78 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications determined under delegated powers was received and noted.

Committee Resolved to:

- I. Note the report containing details of applications, determined under delegated powers.

Joan Desmond, the Principal Planner outlined the Appeal Decisions report and provided an update on the current position with each application.

79 Enforcement Update Uplands Area Planning Sub-Committee June 2023

The report giving details of an update on Enforcement was received and noted.

Kelly Murray, Principal Planner for Enforcement & Appeals outlined the work of the Enforcement Team, including the various powers available to the LPA to resolve cases. The Principal Planner for Enforcement & Appeals presented the Enforcement Update report.

Councillors queried information on the Section 215 notice which may require the tidying up of land that has an adverse effect on amenity of the surrounding area. The Principal Planner for Enforcement & Appeals confirmed that the owner would be contacted and given a deadline for work to be carried out. Most owners would comply however in the event of non-compliance the cases may proceed to prosecution in the magistrates' court.

The Meeting closed at 4.36 pm

CHAIR