

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a meeting of the **Uplands Area Planning Sub-Committee**

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB
at 2.00 pm on **Tuesday, 28 May 2024.**

PRESENT

Councillors: Councillor Julian Cooper (Chair), Councillor Lidia Arciszewska, Councillor Hugo Ashton, Councillor Andrew Beaney, Councillor David Jackson, Councillor Rosie Pearson, Councillor Geoff Saul and Councillor Roger Faulkner.

Officers: James Nelson (Principal Planner), Sarah Hegerty (Planning Officer), Phil Shaw (Business Manager, Development Management), Max Thompson (Senior Democratic Services Officer) and Anne Learmonth (Democratic Services Officer).

12 Election of Chair

Councillor Elizabeth Poskitt, Chair of the Council, opened the meeting and asked for nominations for Chair of the Uplands Area Planning Sub-Committee.

Councillor Hugo Ashton proposed that Councillor Julian Cooper be elected as Chair of the Uplands Area Planning Sub-Committee for the municipal year 2024-2025. This was seconded by Councillor David Jackson. With no other nominations made, the proposal was put to a vote and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Elect Councillor Julian Cooper as the Chair of the Sub-Committee for the municipal year 2024-2025.

13 Appointment of Vice Chair

Councillor Julian Cooper, Chair of the Sub-Committee, proposed that Councillor Mark Walker be appointed as Vice Chair and of the Uplands Area Planning Sub-Committee for the municipal year 2024-2025. This was seconded by Councillor Geoff Saul. With no other nominations made, the proposal was put to a vote and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Appoint Councillor Mark Walker as Vice-Chair of the Uplands Area Planning Sub-Committee for the municipal year 2024-2025.

14 Apologies for Absence and Temporary Appointments

Apologies for absence were received from Councillor Adam Clements. Councillor Elizabeth Poskitt substituted for Councillor Adam Clements.

Councillor Mark Walker was absent from the meeting.

15 Declarations of Interest

Councillors Elizabeth Poskitt and Julian Cooper stated that they knew of the applicant's agent, Mr Huw Mellor, in relation to Application 24/00686/FUL, and that it did not preclude them from participating in the consideration of the application.

16 Minutes of Previous Meeting

Councillor Hugo Ashton proposed that the minutes of the previous meeting, held on Monday 8 April be approved by the Sub-Committee as a true and accurate record. This was seconded by Councillor Andrew Beaney, was put to a vote and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

1. Agree the minutes of the previous meeting, held on Monday 8 April 2024 as a true and accurate record.

Councillor Andrew Beaney rose to ask if the Sub-Committee would place on the record their thanks to former Councillor Jeff Haine, for the work they did whilst serving on the Uplands Area Planning Sub-Committee. The proposition was unanimously agreed by the Sub-Committee, and Democratic Services confirmed they would contact Mr. Haine to pass on the Sub-Committee's vote of thanks.

17 Applications for Development

18 23/03261/FUL Barn at Ryehill Farm, Kingham.

James Nelson, Principal Planner, introduced the application for the part demolition and change of use of two agricultural barns into holiday lets, and the conversion of a third agricultural barn into a leisure facility to service the holiday accommodation.

The Principal Planner provided a presentation to the Sub-Committee drawing attention to the following:

- The proposals fully accord with WODC Policy, in particular OS2, OS4, E2 & E3 which detail that farm diversification is supportable in this instance utilising non-traditional structures;
- The proposals maintained the aesthetic of this commercial agricultural farm and offer the opportunity for a tangible enhancement to the character of the immediate and wider area through the removal of built form, and landscape enhancements alongside the demonstrable enhancements to the quality of the overall setting;
- The submitted scheme maintained the existing agricultural form in its surroundings and delivers a high-quality contemporary conversion using sympathetic materials. The revised scheme secures a significant net gain in landscape and visual impact terms compared to the existing layout and it is submitted that the proposed scheme fully accords and meets the requirements of both local and National Planning Policy;.

A pre-submitted statement from the applicant, Kay Roberts, was read out to the Sub-Committee by Democratic Services.

The Principal Planner read out parts 5.21 – 5.25 of the report and explained the recommendations in part 5.47 of the report which stated: In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, E2, E3, E4, T2, T3, T4, BC1, EH1, EH3, EH7 and EH8, the NPPF 2023 and the West Oxfordshire Design Guide. The application was recommended for conditional approval.

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

- Members queried various conditions that were based around concerns raised from the Parish Council regarding the application and the Senior Planning Officer explained that more wording could be added to the camping condition and other issues raised around lighting (condition 12) and swift bricks (condition 15) could be checked with the ecologist;
- Queries were raised around the distance to the station, parking, safe walking and cycling. The Senior Planning Officer suggested there were no objections from OCC Highways;
- There was a question regarding holiday home occupancy rates and the Senior Planning Officer said that the tourist Officer was aware of market conditions;
- Comments were made around the viability for a business case, sewage and drainage;

Further discussion occurred around distance to the rail station as one of the Parish Council concerns had been that the site would cause considerable more traffic and it was felt that a condition around this should be added for the requirement of sustainable forms of transport, linked to the Climate Action Plan. The Senior Planning Officer concluded that an amendment around this would be difficult to implement; however, it could be added as an advisory note and additionally swift bricks would be included in condition 15;

Councillor Andrew Beaney proposed a condition to link the operation of the tourism use to the wider agricultural operation.

Councillor Lidia Arciszewska proposed that the application be approved in line with Officer recommendations, along with the advisory note on a cycle/walking path, addition of swift bricks in condition 12, and an additional condition linking the operation of the tourism use to the wider agricultural operation. This was seconded by Councillor Andrew Beaney, was put to a vote, and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Approve the application in line with Officer recommendations, with suggested advisory note and additional addition to condition.

19 24/00215/S73 Chalfont, 3 Wroslyn Road, Freeland

Sarah Hegerty, Planning Officer, introduced the application for variation of Conditions 2 and 3 of Planning Permission 22/02862/HHD, to allow design and material changes and to regularise the proposal and the clients Contractor has started to build the extensions different from the approved drawings.

The Planning Officer provided a presentation to the Sub-Committee drawing attention to the following, along with the site photos:

- The site was located in a residential area of Freeland and it was not in an area of special designated control;
- The area was not typified with one specific house type or material however the neighbouring properties either side were both single or one and half storey bungalows which have both been extended in various ways including front extension and also raising of the roof;

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- The property was a detached single storey bungalow dwelling with a rear conservatory and was constructed of Buff brick and white render under a tile roof. The dwelling sits on a relatively large plot which was set back from the front of the plot by approx. 22m and has a staggered build line from the adjacent properties;
- The proposed alterations were minor and were not considered to disrupt the dwelling's overall proportions or detract from the appearance of the streetscene;
- The change in materials were to the rear and were still considered to be consistent with the overall appearance of the property;
- Officers therefore considered the proposed acceptable in this regard.

The representative of the applicant, Mr Griffins addressed the sub-committee on behalf of the applicant.

The Planning Officer continued with their presentation, highlighting the following points:

- Similar to previous applications, the impact on neighbouring amenities had been thoroughly assessed. The rear extension, closest to neighbouring properties (1 Wroslyn Road and Pembroke House), extended an additional 51cm further into the amenity space without an increase in height;
- Although this extension would be visible from within the neighbouring properties amenity spaces, officers did not believe it would have a detrimental impact in terms of being overbearing or loss of light, especially considering the single-story nature of the extension;
- Given the staggered nature of the dwellings the front additions would not have an impact on the neighbouring properties;
- As with the previous permission conditions have been applied to ensure the sill of the roof lights was 1.7m above finished floor level to ensure no overlooking from these windows. Also permitted development rights have been removed to ensure neighbouring amenity was maintained.

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

- Members raised concerns over the close proximity to neighbours, the pitched roof and gables which would have an overbearing impact on neighbours, was overbearing and would affect the neighbours right to light and it was felt that the application should be refused. The Planner explained that the front extension gap was not increasing in height with no windows and was just slightly forward;
- Members felt that the small changes did not warrant refusal and that the Officers recommendation was correct;
- The Business Manager for Development Management reminded Members that they must assess what harms have been identified and that what has been built is not a material difference

Councillor Rosie Pearson proposed that the application be approved, in line with Officer recommendations. This was seconded by Councillor Geoff Saul and was put to a vote. There were 6 votes in favour, three votes against with no abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

1. Approve the application in line with Officer recommendations.

20 24/00216/S73 Chalfont, 3 Wroslyn Road, Freeland

Sarah Hegerty, Planning Officer, introduced the application for the variation of conditions 2 and 3 of Planning Permission 22/02862/HHD to allow design and material changes, and to regularise the proposal and the clients. The contractor had started to build extensions different from the approved drawings.

The Planning Officer provided a presentation to the Sub-Committee drawing attention to the following along with the site photos:

- The site was located in a residential area of Freeland and it was not in an area of special designated control;
- The area was not typified with one specific house type or material, however the neighbouring properties either side were both single or one and half storey bungalows which have both been extended in various ways including front extension and also raising of the roof;
- The property was a detached single storey bungalow dwelling with a rear conservatory, constructed of buff brick and white render under a tile roof. The dwelling sat on a relatively large plot which was set back from the front of the plot by approximately 22 metres and had a staggered build line from the adjacent properties;
- The proposed alterations were minor and were not considered to disrupt the dwelling's overall proportions or detract from the appearance of the street scene;
- The change in materials were to the rear and were still considered to be consistent with the overall appearance of the property;
- Officers therefore considered the proposed acceptable in such regard.

The representative of the applicant, Mr Griffins addressed the Sub-Committee on behalf of the applicant.

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

- Similar to previous applications, the impact on neighbouring amenities had been thoroughly assessed. The rear extension, closest to neighbouring properties (1 Wroslyn Road and Pembroke House), extended an additional 51 cm further into the amenity space without an increase in height;
- Although this extension would be visible from within the neighbouring properties amenity spaces, officers did not believe it would have a detrimental impact in terms of being overbearing or loss of light, especially considering the single-story nature of the extension;
- Given the staggered nature of the dwellings the front additions would not have an impact on the neighbouring properties;
- As with the previous permission, conditions had been applied to ensure the sill of the rooflights was 1.7m above finished floor level to ensure no overlooking from these windows. Additionally, permitted development rights had been removed to ensure neighbouring amenity was maintained.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- Members raised concerns over the close proximity to neighbours, the pitched roof and gables which would have an overbearing impact on neighbours, was overbearing and would affect the neighbours right to light and it was felt that the application should be refused. The Planning Officer explained that the front extension gap was not increasing in height with no windows and was just slightly forward;
- Other Members felt that the small changes did not warrant refusal and that the Officers recommendation was correct;
- The Business Manager for Development Management reminded Members that they must assess what harms have been identified and that what has been built is not a material difference.

Councillor Geoff Saul proposed that the application be approved, in line with Officer recommendations. This was seconded by Councillor Elizabeth Poskitt and was put to a vote. There were 3 votes in favour, 4 votes against with 2 abstentions. The vote was not carried.

Councillor Hugo Ashton proposed that the application be refused, in line with policies H6 and OS4. This was seconded by Councillor Lidia Arciszewska and was put to a vote. There were for 4 votes in favour, 4 votes against and 1 abstention. The Chair exercised their casting vote and voted in favour of the proposal. The vote was carried.

The Sub-Committee **Resolved** to:

- I. Refuse the application, in accordance with policy OS4 and H6 regarding the overbearing impact on the neighbouring properties.

21 24/00686/FUL Land And Building (E) 439518 (N) 226211, Enstone Airfield North, Banbury Road, Enstone.

James Nelson, Principal Planner, introduced the application for the erection of detached, single and two storey viewing/instruction facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle.

The Principal Planner provided a presentation to the Sub-Committee drawing attention to the following with the floor plans, site photos and landownership:

- The application site did not lie within any areas of specially designated planning control and lies adjacent to a range of hangar/warehouse buildings associated with the use of the land as an active airfield.
- The application was brought before Members due to a conflict between officer recommendation and the views of the Enstone Parish Council, who had objected to the application.
- The scheme was a resubmission of application ref. 23/01569/FUL, which was withdrawn following deferral of the application at this Committee in December 2023. The red-line boundary has been amended to ensure that the entire site lies within the applicant's land ownership. Otherwise, the application is unchanged.

Councillor Phillip Shaw addressed the Sub-Committee on behalf of the Enstone Parish Council against the application.

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Mr. Julian Ferguson-Dane addressed the Sub-Committee against the application.

Mr Huw Mellor, the applicant's agent addressed the Sub-Committee in support of the application.

The Planning Officer explained further points within the report under sections 5.17 - 5.35 of the report.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- Members commented on the consent to have buildings on land and access with legal rights. The Principal Planner explained that the third party right of access was a civil legal matter and did not fall under planning considerations;
- There was a query in terms of increase in flight noise and what weight the Committee had in terms of refusal on that basis. The Principal Planner suggested that the Committee should only consider the building application;
- In regards to car parking, the Principal Planner referenced the slides and confirmed there was no objection from Highways Officers;
- It was emphasised that one could not retrospectively impose conditions on the use of existing runways in considering this application. However, action could be taken via the previous application if a breach occurred.

Councillor Geoff Saul proposed that the application be approved, in line with Officer recommendations. This was seconded by Councillor Elizabeth Poskitt and was put to a vote. There were 7 votes in favour, 2 votes against with no abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

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

22 **24/00890/FUL Stonesfield Sports and Social Club, Field Close, Stonesfield.**

James Nelson, Principal Planner, introduced the application for the erection of 6 no. lighting columns with 6 no. floodlighting luminaires with associated works.

The Principal Planner provided a presentation to the Sub-Committee drawing attention to the following and demonstrated in photos:

- The application site comprised the western two of three existing hard surfaced tennis courts at Stonesfield Sports and Social Club as well as associated access and parking, which would be unaffected by the proposal. The courts lay in the eastern portion of the recreation ground and are partially enclosed by a bund and planting;
- The application site laid within the Cotswolds National Landscape;
- The application followed the refusal of application ref. 23/02653/FUL at the Sub-Committee in February 2024;
- Design changes had been made in order to address the concerns of Members including;
 - Column height reduced from 8m to 6m;
 - Columns to reduced in diameter and to be stained in green;
 - Colour and intensity of lighting reduced from 4000 Kelvin (neutral white) to 3000 Kelvin (warm white); and
 - Lighting report amended to demonstrate no light spill to nearby properties.

Mr. Rob Sariano addressed the Sub-Committee on behalf of the applicant.

The Principal Planner explained further points within the report under sections 5.15-5.28.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- Members commented that there were no objections from the Parish Council and due to the amendments from the last application it was felt it was not a difficult decision to approve the application as set out by Officers.

Councillor Andrew Beaney proposed that the application be approved in line with Officer recommendations. This was seconded by Councillor Rosie Pearson, was put to a vote. And was unanimously approved by the Sub-Committee.

The Sub-Committee **Resolved** to:

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

23

Allocation of Section 106 funding in Long Hanborough, Oxfordshire

Phil Shaw, Business Manager for Development Management, introduced the report which sought the allocation of funding to whichever of the two claimants it considered best mitigates the impact of the development.

It was explained that it was a tricky situation that had arisen as a result of seeking to facilitate the PC request beyond the point that the rest of the S106 had been negotiated. There were two parties who could legitimately lay claim to the funding - but only enough funding to provide for one of them. Section 106 money was not a tax on development but rather, in order to meet the relevant tests, must be necessary mitigation to assist in offsetting harm caused by any particular development.

When requests were made before a resolution had reached where there were viability issues, the Sub-Committee had to decide which matters to include and which to exclude. That was the task that was now before members - albeit it was happening at a far later stage in the process.

It was to be noted that Officers were satisfied that both claims met the relevant legal and other tests and would provide mitigation and so it essentially becomes a political/practical decision as to which one Members consider best met the needs of the village and could best mitigate the impact of the development.

Furthermore, the Parish Council believed that the phrase amendment meant that the “mixed” sum should be allocated to the community hub and could only be spent in Long Hanborough. Leisure Services considered that it should be spent as per the adopted Playing Pitch Strategy. Both could not have all of the money and so a choice had to be made.

Members spoke and expressed their reason on who they thought should receive the funds and asked various questions and points of clarification to reach their decision.

It was proposed that the mixed sum be provided as the Parish Council believed and that the “mixed” sum should be allocated to the community hub and could only be spent in Long Hanborough.

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Councillor Roger Faulkner proposed that the Sub-Committee agree the recommendation as listed on the original report. This was seconded by Councillor Elizabeth Poskitt, was put to a vote, and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Award the Section 106 funding as a “mixed” sum and allocated to the community hub that can only be spent in Long Hanborough.

24 Applications Determined under Delegated Powers.

The report giving details of applications determined under delegated powers was noted by the Sub-Committee.

At the end of the agenda item, the Sub-Committee agreed unanimously that the meeting would continue in to a fourth hour, in accordance with Rule 10, Part 5A of the Constitution.

25 Appeal Decisions Report

The report giving details of Appeal Decisions was received and noted by the Sub-Committee.

The Meeting closed at 5.04pm.

CHAIR