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WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in the Council Chamber, Woodgreen, Witney at 2.00 pm on **Monday, 7 February 2022**

PRESENT

Councillors: Jeff Haine (Chairman), Julian Cooper (Vice-Chair), Marilyn Davies, David Jackson, Elizabeth Poskitt, Alex Postan and Geoff Saul.

Officers: Michelle Ouzman (Secretary), Briony Farmer (Planning Officer), Abby Fettes (Interim Development Manager), Sarah Hegerty (Planner (Development)) and Kelly Murray (Senior Planning Officer).

Councillor Ted Fenton was also present.

51 Minutes of Previous Meeting

The minutes of the meeting held on 10 January 2022 were approved and signed by the Chairman as a correct record.

52 Apologies for Absence and Temporary Appointments

Apologies were received from Councillors: Andrew Beaney, Dean Temple and Alex Wilson. Councillor Elizabeth Poskitt substituted for Councillor Nathalie Chapple.

53 Declarations of Interest

There were no declarations of interest received.

54 Applications for Development

21/03836/FUL Tennis Courts, Beaconsfield Hall, Shipton under Wychwood

The Planning Officer, Sarah Hegerty introduced the application for the erection of nine lighting columns to provide floodlighting for tennis courts 1 and 2.

The following people addressed the Committee:

Hilary Hibbert-Biles spoke as an objector; and

Paul Miller, the Development Officer for the Tennis Club, spoke in support of the application.

Following a question from Councillor Davies, Mr Miller confirmed that the flood lights would be used during the week up to 9.00pm, and at the weekends up to 7.00pm.

The Planning Officer continued with her presentation, noted the late representations report, which included a letter of support for the application, and concluded that she was recommending refusal of the application, with delegated authority, once all reports were received.

The Councillors discussed the lighting and the impact on the community, the Area of Outstanding Natural Beauty (AONB) and the 'dark skies'. Councillor Davies did not think that dark skies should be prioritised over children's mental health and wellbeing and the application should be approved to allow children to play tennis under lighting. Most Councillors were torn between the impact on the AONB and the dark skies issue, but referred back to the Council's planning policies, which they needed to make their decision under.

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Councillor Cooper proposed that the application be refused as per officer's recommendation, with delegated authority, and this was seconded by Councillor Postan.

On being put to the vote, it was resolved that the application be

Refused for the following reasons, subject to officers having delegated authority to act once all the Biodiversity reports are received and subject to them not containing anything substantially new.

If the papers were to be substantially different, the application would be brought back to the Committee.

1. The proposed floodlighting at this prominent site, within the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development which does not preserve or enhance the special qualities and character of the Cotswolds Area of Outstanding Natural Beauty, and when lit would be visually obtrusive within the wider landscape. As such the proposal is considered contrary to policies OS2, OS4, EH1 and EH8 of the West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan and relevant sections of the NPPF; and
2. It is considered that insufficient ecological survey information, assessment or mitigation information has been submitted to enable the Local Planning Authority to fully assess the extent to which species and habitats (including bats and great crested newts) that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 or listed as species/habitats of Principal Importance in s.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular Chapter 15); The Planning Practice Guidance; West Oxfordshire Local Plan 2031 Policy EH3, and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017. Without sufficient information the Local Planning Authority may be unable to meet its statutory duty under the Natural Environment and Rural Communities Act 2006 to "have regard, ..., to the purpose of conserving biodiversity".

21/03859/FUL Vicarage Field, Church Road, Chipping Norton

The Planning Officer, James Nelson introduced the application for the erection of a detached dwelling and associated works.

Mr Daniel Holmes addressed the committee in support of the application and a copy of his speech is attached to the original copy of these minutes.

Mr Nelson continued with his presentation and referred back to previous, historical applications as background information for the Councillors. Mr Nelson highlighted that one of the main differences with this application, was its proximity to the road.

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The Councillors discussed the height of the proposed dwelling and the position of the back of the building. Councillor Haine advised that he knew the area and he thought it would impose on the church view.

The Chairman proposed that the application be refused as per officers recommendation and this was seconded by Councillor Postan.

On being put to the vote, it was resolved unanimously that the application be **Refused** for the following reasons:

1. The siting, massing and design of the proposed development would result in an adverse urbanising impact on this important open space which currently contributes positively to the semi-rural and open character and appearance of the area. This would result in significant harm to the setting of adjacent Grade II listed buildings comprising St Simon and St Jude's Church and their associated listed structures, which is not outweighed by any substantive public benefits. The application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021; and
2. The proposed scheme by reason of its siting and design would have a harmful impact on the neighbouring property (Vicarage Field) resulting in a significant loss of privacy caused by overlooking of private amenity space. The proposal is therefore considered contrary to Policies OS2, OS4, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

21/03893/FUL Building referred to as Asgard South East Of Valhalla Church Street, Stonesfield

The Senior Planning Officer, Kelly Murray introduced the application for a change of use of a detached holiday let to a dwelling with associated parking.

The agent Mr Edward Watson addressed the Committee in support of the application

The officer continued with her presentation, highlighting the late representations report which include three comments of support, and two objections. The officer also referred to previous applications and appeals.

Councillors discussed previous applications on the site which had changed from a garage, to a holiday let and now a dwelling, and reflected on past appeals.

Councillor Postan proposed that the application be approved as per the officer's recommendation and this was seconded by Councillor Davis.

On being put to the vote it was resolved that the application be:

Approved subject to the following conditions and as laid out in the report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, extensions, outbuildings or further hardstanding shall

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be installed or constructed unless expressly authorised in writing by the Local Planning Authority.

REASON: Control is needed to maintain the character of the building, the location, and to protect the privacy of neighbouring property.

3. The landscaping scheme on plan 196315/2:2A showing planting and boundary treatments which was submitted pursuant to condition 5 of the permission granted under 16/00328/FUL shall continue to be maintained so far as it relates to the application site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the character and appearance of the site.

21/04066/HHD 2 Church Street Fifield, Chipping Norton

The Planning Officer Briony Farmer introduced the retrospective application for the installation of a combined air source heat pump and air condition unit. The Officer highlighted the key factors of the application and Councillors discussed the benefits of new technologies in heating and air conditioning.

The Chairman proposed that the application be approved as per officers recommendations and this was seconded by Councillor Cooper.

Having been put to the vote it was unanimously agreed that the application be:

Approved subject to the conditions as laid out in the report:

I. 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 as per Officers recommendation in the report.

55 Applications Determined under Delegated Powers and Appeal Decisions

The report outlining the Delegated Decisions taken since the last meeting were considered. It was noted that application 21/03504/HHD fell into the Lowlands area, and therefore should be considered at the next Lowlands Planning Committee.

Councillor Cooper asked for it to be recorded that recently applications under the Delegated Decisions agenda item, often included Lowlands applications. He requested that the process currently being used, be reviewed to address this.

Resolved that the report be noted.

The Meeting closed at 3.20 pm

CHAIRMAN