

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, 17 October 2022**

PRESENT

Councillors: Elizabeth Poskitt (Chair), Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Mike Cahill, Jeff Haine, David Jackson, Geoff Saul, Dean Temple and Alex Wilson.

Officers: Phil Shaw (Business Manager - Development Management) James Nelson (Planning Officer), Sarah Hegerty (Planning Officer), Stephanie Eldridge (Principal Planner), Kelly Murray (Principal Planner Enforcement), Clare Anscombe (Senior Planner), Emily Rogers (Enforcement Investigation Officer), Anne Learmonth (Strategic Support Officer) and Andrew Brown (Democratic Services Business Manager).

24 Minutes of Previous Meeting

The minutes of the meeting held on Monday 22 August and Monday 19 September were approved and signed by the Chairman as a correct record, subject to the following amendment to item 21 Declarations of Interest, and agreed by the committee that 'Councillors Al-Yousuf and Haine called for a report on the lack of a 5-Year housing land supply to be discussed in an urgent meeting of the Development Control Committee and wanted to return to this item for further discussion after dealing with the applications on the agenda.'

25 Apologies for Absence

Apologies for absence were received from Councillor Rizvana Poole.

26 Declarations of Interest

Declarations of Interest were received as follows;

1. Page 44, 22/03837/FUL Snowhill House, The Green, Fifield. Councillor Haine said he had advised the applicant on planning procedure and would therefore leave the room when the application was being decided.
2. Page 13, 21/00961/FUL Land South of Shaston, The Green, Freeland, Councillor Al-Yousuf advised that his property was on the application plan.

27 Applications for Development

The Chair announced that due to the public participants who wished to speak the applications would be heard in a revised order.

21/03837/FUL Green Bank, Dyers Hill, Charlbury

James Nelson, Planning Officer, introduced the application for demolition of existing dwelling and erection of a replacement dwelling with associated car parking and landscaping (amended plans). The Planning Officer drew the Members attention to the late representations report.

There was a statement read out by Councillor Peter Kenrick, Charlbury Town Council, in objection to the application. A copy of this submission is attached to the original copy of the minutes.

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A statement was read out by Peter Mance on behalf of the applicant. A copy of this submission is attached to the original copy of the minutes.

Councillor Ashton asked the speaker for clarification on excavation and landscaping. Peter Mance confirmed that earth excavated for construction of the property would be used for landscaping around the property.

The Planning Officer continued with the presentation and cited the local plan policy H6, including visual and ecological impacts when making the recommendations for approval of application. The officer confirmed there would not be an impact on drainage or any impact on Charlbury Conservation area and AONB.

There was a discussion regarding the access to the property. Councillors asked if there could be a condition included to cover travel management. The Planning Officer confirmed there had been no objections from the Local Highway Authority. Councillor Beaney referred to page 31 of the agenda pack referring to a Traffic Management Plan raised by Charlbury Town Council and asked what would be included. The Planning Officer confirmed that a condition for a Construction Traffic Management Plan could be included if the application was approved.

Councillors asked about the scale of the building and the floor area change as well as the characteristics of the design and views. The Planning Officer confirmed the scale of the existing dwelling and that the slightly increased scale of the new dwelling is reasonable as it is broadly the same footprint. Further, the design would not block the views of other resident and views of the town. Councillors asked about the flooding plan in light of amended plans submitted. The Planning Officer confirmed that an updated flood risk assessment had been carried out in relation to the revised plan and that the Drainage Team raised no objections subject to the condition.

Committee **resolved** that the application should be approved subject to the addition of a condition to include Construction Traffic Management Plan and an informative referencing several of points raised by the Town Council on page 31 of Officer's report which should be included in CTMP when submitted.

Councillor Jeff Haine left the meeting.

2201879/FUL Snowhill House, The Green, Fifield, Chipping Norton.

James Nelson, Planning Officer, introduced the application for erection of Polytunnel for the purpose of growing agricultural produce for personal use. (Retrospective).

There was a statement read out by jointly by Adrian McDowell and Mark Slater in support of the application. A copy of this submission is attached to the original copy of the minutes.

The Planning Officer continued with the presentation. Confirming the proposed development would not impact the lawful use of the land. The site was not overly visible as it was screened by hedgerows. There would be no impact on highways or drainage.

There was a discussion on conditions regarding the screening and why it was needed. The Planning Officer confirmed the condition was to ensure any hedgerow screening was to be replaced if needed. Further discussion took place on Condition 1 naming the applicant, Councillors questioned whether it should it be linked to use rather than ownership. The

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Planning Officer confirmed that the land should not be used as an extended garden and the wording could be changed to reflect this.

Committee **resolved** that the application should be approved subject to the amendment of condition 1 to remove reference to applicants and change for private agricultural use ancillary to the house only.

Abstention - Councillor Beaney.

Councillor Jeff Haine returned to the Chamber.

21/03837/FUL Land South of Shaston, The Green, Freeland

Sarah Hegerty, Planning Officer, introduced the application for a new build chalet bungalow with detached double garage. In terms of the principle of development the site is not considered to comply with policy H2 because it sits outside the main built up area of Freeland. Due to the lack of 5 year land supply the tilted balance has been applied. Additional information was submitted regarding biodiversity and planting of shrubs and trees, the installation of bat boxes and the provision of a pond. The Planning Officer confirmed that in light of this initial concerns were overcome.

Councillors raised concerns about the access road, questioning who would be responsible for the road during the construction of the property as it is in poor condition. The Planning Officer confirmed that the County Council was approached and there were no objections by the Local Highway Authority. Councillor Al-Yousuf confirmed that neighbours had raised concerns over the public right of way for residents to access their properties on the access road as this road is not privately owned by a third party.

Councillor Al-Yousuf raised concerns on making decisions on applications when applying tilted balance highlighting planning policies OS2 and H2 regarding this application. Councillor Al-Yousuf proposed that the application be deferred to 14 November Uplands Area Planning Sub-Committee meeting after which there would be up to date guidance following the Development Control meeting on 7 November. There was a discussion around tilted balance decisions and policies within the Local Plan. The officers advised that the deferral of the application would not be beneficial when considering policies as there are no harms identified.

Resolved as per the Officer's recommendations.

22/01915/FUL Land and Building (E) 439518 and (N) 226211.

Stephanie Eldridge, Principal Planning Officer introduced the application for erection of a detached building to provide administration, welfare and storage facilities for the aircraft maintenance, flying school and resident pilots. The Officer outlined the extent of development over the past 20 years on the site with storage units available. The design of the proposed building was considered out of character with the other simple, low lying buildings on the site. Officers recommended refusal on the grounds the need for additional storage had not been justified and the unacceptable visual impact of the building.

There was a discussion regarding the storage and the design of the building. Concerns were raised about the urbanisation of buildings on the site and wider landscape. Councillor Al-Yousuf asked for clarification on the enforcement action, page 80. The officer confirmed that

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the enforcement team had done some work regarding the site and it was found that the number of flights on the site was well within the permitted level of activity on the wider site.

Resolved as per the Officer's recommendations.

28 Applications Determined under Delegated Powers and Appeal Decisions

The Planning Officer explained that 22/02188/FUL, page 68, was temporary staff accommodation for care staff at the care home to enable them to be on site for residents.

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

Appeals

Land East of Barns Lane, Burford.

The Planning Officer talked through the decision explaining that the Inspector felt that the harm caused by a development of this scale within the Cotswold AONB and Conservation Area would outweigh the public benefits – even when taking the lack of a 5YHLS and the tilted balance into account. The officer referred to the statement made by the Inspector. Councillor Al-Yousuf asked a question for the record; the hearing for the Barns Lane appeal ran from 27 June to early July and it was known that the Council could not demonstrate the 5 year land supply. How was it possible that, at the Full Council meeting on 20 July, a written question and answer submitted to the Cabinet Member, Councillor Rylett, had elicited the response that there was still in excess of a 5 year land supply. Officers confirmed that while the appellant was claiming that the Council could not demonstrate a 5YHLS at the time of the appeal hearing, the Council's position was that it could. This changed following the Appeal Decision from the Inspector.

APP/D3125/W/21/3288685 Land off Toy Lane.

The appeal was dismissed on grounds of the new dwelling being cramped, and amenity grounds on the basis that the property would overlook the existing properties, and that the access road was unsuitable with concerns for highway safety.

APP/D3125/W/21/3277461 & APP/D3125/Y/21/3277462 Land North of Gardiners Arms, Medcroft Road, Tackley OX5 3AQ

The double application was dismissed on grounds that the conversion of a function room into a single dwelling would be a loss to the community and would be against policy E5 which protects community facilities. There would be harm to the building as it is listed.

The report giving details of appeals was received and noted.

Councillor Jackson left the meeting at 4pm.

29 Progress on Enforcement Cases

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Kelly Murray, Principal Planner (Enforcement and Appeals) introduced the paper with the agreement to go through the report page by page.

Kelly Murray gave explanations of the various cases and took questions from the Committee members to discuss each case.

Page 77 Unicorn Public House, Great Rollright. No longer within the enforcement team. The Estates division is dealing with the case, more cost effective to find a way to develop the site and use the funds for the upkeep of the pub. Councillor Beaney asked if there were any building control reports in the public domain updating the progress on this case as it had been referred to the Finance and Management Overview and Scrutiny Committee. Phil Shaw explained that Building Control reviews the building on a monthly basis. Claire Lock is in discussion with the applicant on how to bring things forward.

Page 78 Netherby Farm. Unauthorised residential use of a caravan on site, an application had been submitted for temporary consent but following Members' resolving to refuse the application, an enforcement notice was served which was appealed. Written representations have been submitted and a decision is awaited. Councillor Haine asked about engineering works at the site. The Principal Officer confirmed she would check this on her next site visit.

Land East of the Slade, Charlbury. Application for a certificate of lawfulness for storage on this land was refused and an enforcement notice served which was appealed. The appeal has been withdrawn. The deadline for ceasing the storage use is December.

Page 79 The Beeches. There was a discussion about the site, and the Principal Officer explained that other agencies were involved but that there was not considered to be any material harm in relation to current planning breaches on this established caravan site.

Page 81 Diddly Squat Farm. An appeal has been lodged against the enforcement notice and a further appeal against the planning decision issued last year in relation to an extension of the car park. The two appeals are likely to be joined which may delay the timetable and the hearing or inquiry dates. There was a question on filming the hearing and the Principal Officer confirmed that by law the Council cannot prevent the hearing being filmed.

There was a discussion on how enforcement cases and workloads are managed. Phil Shaw Business Manager for Development & Sustainability introduced Clare Anscombe, Senior Planner and confirmed there is recruitment underway for a further enforcement role.

30 Outline application for the construction of up to 150 dwellings with access from Witney Road, open space and associated work on Land North Of Witney Road, Long Hanborough

Stephanie Eldridge, Principal Planner (Development Management) introduced the report with a proposal for a site visit.

Councillor Haine asked if the site visit could be incorporated with two site visits for applications coming up in Woodstock in November. The Chair expressed concern that it could be quite a lot for one day. The Principal Officer confirmed that this would be beneficial to do all the site visits at once leaving enough time for all sites.

It was agreed that there would be a site visit on 10 November at 9.30 starting at the Witney Road, Long Hanborough site.

The Meeting closed at 4.40pm

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CHAIR