

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Lowlands Area Planning Sub-Committee**  
Held in the Council Chamber at 2.00 pm on **Monday, 5 December 2022**

### PRESENT

Councillors: Richard Langridge (Chair), Michael Brooker (Vice-Chair), Joy Aitman, Colin Dingwall, Harry Eaglestone, Ted Fenton, Andy Goodwin, Nick Leverton, Charlie Maynard, Lysette Nicholls, Elizabeth Poskitt, Andrew Prosser and Alaric Smith

Officers: David Ditchett (Senior Planner) and Joan Desmond (Principal Planner), Anne Learmonth and Michelle Ouzman (Strategic Support Officers).

Other Councillors in attendance: Dan Levy

#### **98 Minutes of Previous Meeting**

The minutes of the meeting held on Monday 7 November were approved and signed by the Chairman as a correct record.

#### **99 Apologies for Absence**

There were no apologies for absence received.

#### **100 Declarations of Interest**

Declarations of Interest were received as follows;

Agenda Item 4- 21/03711/FUL, Land at Tar Farm - Councillor Nicholls as Vice-Chair of the Parish Council at South Leigh so would not be present to hear the application.

Councillor Maynard lives on Tar Road.

Agenda Item 4 – 22/00986/FUL, Land North of Cote Road – Councillor Alaric Smith is a resident of Aston Village.

Councillor Dingwall was a director for the Council on Cottsway Housing Association until 2015.

Councillor Fenton's 2 granddaughters attend Aston Primary School and his stepson is governor at the school.

Agenda Item 5 – Delegated Items- Councillor Fenton knew applicants on applications 5, 6,15,35 and 50.

#### **101 Applications for Development**

Councillor Nicholls left the Council Chambers.

21/03711/FUL Land at Tar Farm.

Joan Desmond, Principal Planner introduced the application for installation of renewable energy scheme comprising ground mounted photovoltaic arrays with associated substation, invertors, internal access track, landscaping and biodiversity measures, fencing, access gate and ancillary infrastructure.

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There was a statement read out by Mr Oliver Shestopal, a resident of South Leigh, in objection to the application. Mr Shestopal handed out a copy of a map for the committee to refer to. A copy of this submission is attached to the original copy of the minutes.

The Chair invited questions from the Committee. The Committee asked what grade the land was at the proposed site. Mr Shestopal confirmed the land was grade 3B, and of low quality. The Committee asked regarding visibility, where the biggest concerns were. Mr Shestopal referred the Committee to the handout map and highlighted that from Station Farm the view across football fields was of the most concern as thin trees planted there that would not shield the view of the solar field.

There was a statement read out by Mr Jonathan Selwyn, Bluefield Renewable Developments Ltd in support of the application. A copy of this submission is attached to the original copy of the minutes.

Joan Desmond, Principal Planner, continued with her presentation and brought the Committee's attention to the Revised Landscape Strategy Plan and identified those areas where solar panels were being omitted. This included elevated fields and Roman burial site areas. These areas would be omitted from the scheme. No solar panels would be placed in these areas. Where bridle ways and public rights of way were situated, these paths would be widened with additional greenery planted. The Principal Planner referred to the planning policy regarding renewable energy and highlighted that this grade of land would be suitable for this application. However the land was within the Wychwood Project area where special attention and protection is given to the landscape and biodiversity. A contribution would be sought towards the Lower Windrush Valley Project for landscape, public access and biodiversity enhancements to mitigate impacts that the development would create. The Principal Planner referred to the late representations report with focus on suggested conditions that had been amended as well as conditions regarding access and drainage which were still being discussed. Archaeological conditions were also recommended. It was recommended that planning permission be delegated to officers to grant planning permission subject to the legal agreement and pre-commencement conditions being agreed.

The Chair invited comments and questions from the Committee. The Committee asked that RAF Brize Norton be consulted with and notified of the total amount of solar panels in the area, to enable them to make sure this does not interfere with the flight path. The Principal Planner confirmed that discussion was limited to only those that are in a certain consultation distance. However, there had been a report regarding "glint and glare" that had been submitted. The Committee asked that the cumulative effects were highlighted.

The Committee discussed the access to the site and use of Tar Road. The road is a single lane road, with eight passing bays and poorly maintained. The Principal Planner confirmed that Oxfordshire County Council Highways had not objected to the application. The use of the road would be during the construction period however the application had included provision of additional passing bays. The Chair asked for clarification on Field A. The Planner confirmed the landscape officer did not feel that it was a sensitive field in terms of public visual aspects. The applicant had indicated they may be willing to add additional planting to help with shielding of field A from public view.

The Committee asked for clarification on the lease period and how the biodiversity of land would be managed long term and could conditions for ongoing research for biodiversity be applied. The Principal Planner confirmed that regarding conditions and use, there were various tests that had to be met. Nationally it was seen that a Biodiversity Management plan for a 30

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year period was reasonable and was usually put into planning conditions. In regards to this Solar Farm application the lease period of 40 years was the indicated time span for the site.

There was a discussion regarding the boundaries, archaeology and pathways. The Principal Planner confirmed that the County Archaeology Officer no longer objected to the application subject to appropriate archaeological conditions. The Landscape Strategy Plan would cover treatment of the PROW's.

The Committee asked how likely in a future application could the site be used as a brown field site. The Principal Planner confirmed that as the site was located in the country side, it would be highly likely that the site would continue to be used for solar panels. There was a discussion on the in-depth ecological report. The Principal Planner confirmed that applicant had done survey work.

Councillor Fenton proposed for application to be approved. Councillor Dingwall seconded the proposal.

The proposal was put to the vote to approve the application with conditions. The vote was unanimous

Committee **resolved** to approve the application in line with officers recommendations including additional planting to field A and the following conditions;

Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare and archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To safeguard the recording of archaeological matters within the site in accordance with the NPPF(2021).

Following the approval of the Written Scheme of Investigation referred to in condition 21 and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination if the evidence in accordance with the NPPF (2021).

Councillor Nicholls returned to the Council Chambers.

### 22/00986/FUL Land North of Cote Road, Cote Road, Aston.

David Ditchett, Principal Planner introduced the application for erection of 40 new dwellings with the provision of a new access and associated works and landscaping.

There was a statement read out by Mr Stuart Revell, resident of Aston, in objection to the application. A copy of this submission is attached to the original copy of the minutes.

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The Chair invited questions from the Committee. The Committee asked Mr Revell for clarification on the physical sewage problems he had referred to in his speech. Mr Revell confirmed this would be covered in the following speeches.

There was a statement read out by Mr Russell La Forte, Chair of Aston, Cote, Shifford and Chimney Parish Council, in objection to the application. A copy of this submission is attached to the original copy of the minutes.

The Chair invited questions from the committee. There were no questions from the Committee.

There was a statement read out by Councillor Dan Levy, Oxfordshire County Council, in objection to the application. A copy of this submission is attached to the original copy of the minutes.

The Chair invited questions from the committee. There were no questions from the Committee.

There was a statement read out by Ms Tamsin Almeida, Terra Strategic, in support of the application. A copy of this submission is attached to the original copy of the minutes.

The Chair invited questions from the committee. The Committee asked if Ms Almeida agreed or disagreed with the statement made by the Parish Councillor regarding the number of people on the West Oxfordshire District Council home seeker list who are already resident in the parish as opposed to those who are not. Ms Almeida referred to the application report and replied that a local connection cannot be relied upon as there should be provision for residents to be moved where homes can be provided.

The Committee asked what guarantees the developer would give that only sewage would be going into the into the system not surface water and not run off water. Ms Almeida confirmed that within the application report the developer had consulted with Thames Water. The Committee asked for clarification on the numbers of social rented houses and shared ownership houses. Ms Almeida confirmed there would be 60% social rented houses and 40% shared ownership houses.

The Principal Planner continued with his presentation confirming that the houses were 100% affordable. He brought the Committees attention to the late representations report and highlighted the updates which included the requested route as laid out by the Parish Council for heavy goods vehicles which had been approved in a Construction and Travel Management Plan by Oxfordshire County Council OCC. There was also an additional comment from Cottsway Homes in a letter to confirm their support of the development. Cottsway Homes would be the intended owner of the site. There was a site visit on the morning of the Committee meeting where Committee Members noted that access to the site would be through Marsh Furlong. The site bordered a conservation area on two sides. Within the village there were two Grade 2 listed buildings that may be affected by the scheme. The site was on flood zone 1. There were 158 objections which were set out in the committee report. There were no statutory objections. The Principal Planner confirmed the planning team worked with the applicant to secure improvements including a housing mix to include smaller homes, 4 one bed, 16 two bed, 16 three bed and 4 four bed homes. The houses would be a better quality build with solar panels and air sourced heat pumps, a better layout of the scheme and parking was revised. The Principal Planner gave a brief outline of the planning history of the site.

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The Principal Planner confirmed that the proposed development would result in less than substantial harm to the setting of the Aston Conservation area and less than substantial harm to the setting of St James Church. However when completing the balancing exercise required by paragraph 202 of the NPPF, the public benefits were considered to outweigh the harm found and the proposal could be supported in heritage terms.

Technical matters concerning archaeology, highway safety, drainage and flood risk, trees, residential amenities, affordable housing and affordable housing mix were all acceptable subject to conditions and a Section 106. The application would conflict with harm to the landscape under policy OS2 and EH2 however the materials, design and layout used to construct the properties were acceptable. Oxfordshire County Council requested £517,098 towards education contributions, the applicant was able to provide £274,322 towards education as anything above this began to make the scheme unviable as such the scheme conflicted with OS5. The Principal Planner discussed the harms and benefits with reference to the 5 Year Land Supply and Tilted Balance when taking into consideration the application. Officers were recommending approval subject to a S106.

The Chair invited questions from the Committee. The Committee asked if the parking needs of the development were met and what policy on parking was being followed. Also were there any concerns on access to the site. The Principal Planner confirmed that the parking requirements were set by Oxfordshire County Council who had been consulted on the application, there were no objections to access to the site or parking provision. The Committee commented on the length of the build time and the possible impact on residents of Marsh furlong with increased construction traffic. The Principal Planner confirmed that a Construction and Traffic Management Plan was agreed by OCC highways which agreed the proposed route.

There was a discussion on the internal floor space of the homes and whether the sizes met the national minimum space standards. The Principal Planner confirmed house types 1, 5 and 7 did not meet the national minimum space standards by a slight shortfall. However the other properties did meet the standards. The minimum space standards does not form part the Local Plan however is a material consideration when assessing the scheme.

The Committee asked if a request could be made for the developer to pay for an independent assessment with water experts, chosen by West Oxfordshire District Council, due to concerns with sewage. The Principal Planner confirmed that WODC cannot ask the developer to cover the costs for an independent assessment concerning foul water drainage however there had been discussions with Thames Water. If the application were to be recommended for approval a condition would be included where properties could not be occupied until it could be demonstrated that the foul water would be dealt with effectively. The Committee asked why competent foul water drainage was not place before houses were due to be built. The Principal Planner explained the need for foul water drainage would come into effect when the homes were built and facilities in use and referred to the NPPF paragraph 56, stating there was no harm until the properties were occupied. The Committee asked for clarification on flooding provision. The Principal Planner confirmed that the site was in flood zone 1 and was low risk. A proposed drainage scheme on the site to prevent surface water going into the sewage system would be secured by condition.

There was a discussion on concerns regarding local amenities, sustainability, lack of bus services through the village, provision for education and employment, access to GPs and provision for disabled residents. The Principal Planner referred to the planning history of the site and highlighted that sustainability was not previously referenced as a refusal reason and

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officers do not consider the site to be inherently unsustainable as set out in the Committee Report. The Principal Planner commented on how to improve services and facilities in Aston, this could be an increase in growth within the village, with potential residents bringing more funding through taxes and spending within the area. The Committee commented on the character of the district and how the area is made up of villages surrounding larger towns. By potentially growing villages the character of the area could be altered.

The Committee asked how the best provision was being offered to new residents if they had to travel to schools outside the village without public transport available. The Committee had concerns that potential new residents would have to rely on their cars and this would add to traffic through the village. The Principal Planner confirmed that potential residents were probably already housed within the local area, therefore their children were likely to be enrolled in other local primary schools within the surrounding villages. He confirmed Oxfordshire County Council had highlighted the insufficient places at the Aston and Cote C of E Primary School available to accommodate the needs of the occupiers of the proposed development, and that it is in part why education contributions were requested and the amount required. However OCC had not looked at other school places in the area to accommodate those needed. For example, Bampton Cof E Primary School, Ducklington Cof E Primary School and Clanfield Primary School were within 4 miles of the scheme and the OCC's assessment discounted parental choice. He confirmed that a balance had been met when in discussions with OCC and the applicant and this had resulted in an agreed amount towards education contributions within the planning balance.

The Committee asked for clarification on funding education and bus services. The Principal Planner confirmed the applicant was meeting all the required contributions from OCC for the application apart from education, however £45,320 had been requested by OCC towards the bus service. The Committee felt this was an insufficient amount to cover costs of employing a driver and running a service. The Committee commented on the potential growth of value of the houses with solar panels and heat sourced air pumps in relation to the reduced contribution made by the applicant for education. The Principal Planner confirmed there was a conflict with the policy OS5 as OCC were the relevant specialists and the applicant was not fully meeting their requested contributions to social infrastructure as set out in the Committee Report. The Principle Planner advised that if the Committee were minded to refuse the application, they could refer in their reasons for refusal to the lack of funding for education provision. He went on to explain the possible outcomes if the application was refused and then appealed including possible further reduction in educational contributions from the applicant, or the applicant agreeing to meet the requested contributions.

There was a discussion around the conservation area and the S106 contributions and H2 policy. The Principal Planner confirmed that conservation area would not be re-drawn to reflect where new housing developments were built. He confirmed that H2 strategic policy looked at where housing is needed. H2 sets the status of the land, in this case it was undeveloped land which adjoins the built up area. The need for houses was considered and need has been identified for affordable homes. S106 monies was often challenged by applicants and can change if the applicant appealed the Committee's decision. The Principal Planner confirmed that the recommendation was the best possible scheme secured.

The Committee discussed reasons and policies for refusing the application and what could be considered when coming to this decision. The Chair asked the Committee to be mindful of refusal reasons.

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The Principal Planner explained that there is less than substantial harm to the setting of the Aston Conservation Area and less than substantial harm to the setting of St James Church as set out in the Committee Report. The Principal Planner explained that while it was officer opinion that the public benefits outweighed the heritage harm found, Committee Members could come to a different conclusion.

The Principal Planner explained the tilted balance applies as West Oxfordshire District Council cannot demonstrate a five year supply of housing land and that must be taken into account by Members when assessing the scheme. The Principal Planner confirmed that there is harm to the landscape and the applicant was not fully meeting the contributions requested by OCC. As such, the scheme conflicted with polices OS2, OS4, OS5 and EH2. The Principal Planner explained that when taken into account paragraph 11 of the NPPF, it was officer opinion that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits however Committee Members could come to a different conclusion.

Councillor Brooker proposed for application to be refused. Councillor Dingwall seconded the proposal.

The proposal to refuse the application was put to the vote. The vote was unanimous.

Committee **resolved** to refuse the application for the following reasons:

1. The development site forms part of the setting of the Aston Conservation Area and the encroachment of built form beyond the current village envelope, into undeveloped agricultural land, will erode the rural setting of the Aston Conservation Area causing harm to its significance. In addition, the development site forms part of the setting of the Grade II listed St James Church. The proposed development would erode the historic rural setting and would be seen in the foreground of the church when viewed from the nearby Public Right of Way, causing harm to its setting and thus, its significance. This harm is less than substantial and while the development would provide some economic benefits, would add 40 affordable homes to West Oxfordshire Housing stock, which would meet some of the affordable housing need in Aston and the District, would include energy efficiency measures and would create biodiversity net gain. These are insufficient public benefits to outweigh the harm found. The proposed development is contrary to Local Plan Policies OS2, OS4, EH9, EH10 and EH11, the provisions of the National Planning Policy Framework and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The proposed development, by introducing a range of house types, boundary divisions, estate roads, signage and domestic paraphernalia, would fundamentally alter the open rural character in this location resulting in harm to the landscape. The proposed dwellings do not meet the minimum space standards as set out in the 'Technical housing standards – nationally described space standard' document, resulting in a lack of internal amenity space to the detriment of the living conditions of the occupiers. In addition, insufficient contributions towards education provision are proposed. As such, the scheme does not fully contribute towards the provision of essential supporting social infrastructure. While the development would provide some economic benefits, would add 40 affordable homes to West Oxfordshire Housing stock, which would meet some of the affordable housing need in Aston and the District, would include energy efficiency measures and would create biodiversity net gain. The adverse impacts identified would significantly and demonstrably outweigh the benefits. As such,

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the proposed development is contrary to policies H2, OS2, OS4, OS5 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework.

3. The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport; education; or waste. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH5, T1, T3 and OS5; and the relevant paragraphs of the National Planning Policy Framework.

Councillors Leverton, Goodwin and Poskitt left the meeting at 4.45pm

22/02718/S73 Land for Tactical Medical Wing, RAF Brize Norton, Carterton.

David Ditchett, Principal Planner, introduced the application for variation of Condition 10 and removal of Condition 11 of Permission 21/01197/FUL to allow changes to the biodiversity enhancement and landscaping scheme and removal of the tree/ hedge/ shrub/ planting /replacement scheme.

There was a statement read out by David Marley, Black Box Planning, in support of the application. A copy of this submission is attached to the original copy of the minutes.

The Principal Planner continued with the presentation and focused on conditions 10 which covered biodiversity and the removal of conditional 11. There was reference to the radar tower application which was approved in 2021 with a number of conditions. The Principal Planner referred to page 96 of the report for the conditions. Condition 10 on this application covered biodiversity and included the installation of bat and bird boxes as well as hedgehog holes and planting. The applicant looked at the ability to cover condition 10 regarding the hedgehog holes and planting. Due to the fencing being Ministry of Defence property it was unviable, for security reasons, to create hedgehog holes in the fencing. The planting of greenery would obscure visibility in and out the site. The applicant agreed to install the bat and bird boxes and it was agreed that this would meet the biodiversity gain. The Principal Planner confirmed that concerning condition 11 required planting or replanting if damaged in the next 5 years was removed as there was no planting currently able to be planted at the site.

Councillor Eaglestone proposed for application to be approved. Councillor Fenton seconded the proposal.

The proposal was put to the vote to approve the application with conditions. The vote was unanimous.

Committee **resolved** to approve the application in line with officers recommendations with variation to Condition 10 and Condition 11 to be removed.

22/02134/FUL The Double Red Duke, Black Bourton Road, Clanfield.

David Ditchett, Principal Planner, introduced the application for erection of a greenhouse. The application was retrospective as the greenhouse was already in situ. The Principal Planner referred to slides showing where on the site the greenhouse was situated and confirmed the use as intended. The application was before the Committee as the Parish Council had objected to it.

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The Committee asked if the application was approved, if a condition could be added to ensure the use was solely as a greenhouse. The Principal Planner confirmed that could be applied.

Councillor Fenton proposed for application to be approved. Councillor Nicholls seconded the proposal.

The proposal was put to the vote to approve the application with conditions. The vote was unanimous.

Committee **resolved** to approve the application in line with officers recommendations with condition that the use remains as a greenhouse.

## **102 Applications Determined under Delegated Powers and Appeal Decisions**

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

Councillor Dingwall asked about upcoming applications. The Principal Planner gave a brief outline of what applications are possibly coming forwards.

David Ditchett, Principal Planner, outlined the Appeal Decisions report and provided an update on 22/00473/FUL Land South West of Main Road Alvescott. The application was for the erection of a dwelling. The inspector agreed with all 3 refusal reasons; harm to conservation area, harm to the listed building and insufficient evidence was put forward that surface water from the development could be adequately dealt with as there was no information put forward. The application may come back to committee. The appeal was dismissed.

The Meeting closed at 5.06pm

CHAIR