

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 **Tuesday, 25 April 2023**

PRESENT

Councillors: Elizabeth Poskitt (Chair), Rizvana Poole (Vice-Chair), Lidia Arciszewska, Hugo Ashton, Mike Cahill, Jeff Haine, David Jackson, Geoff Saul and Alex Wilson.

Officers: Joan Desmond (Principal Planner), James Nelson (Senior Planner), Michelle Ouzman (Democratic Services Officer), and Anne Learmonth (Democratic Services Officer).

Other Councillors in attendance: Nil.

62 Apologies for Absence and Temporary Appointments

Apologies for Absence were received from Councillors Alaa Al-Yousuf, Andrew Beaney and Dean Temple.

Councillor Mike Cahill apologised for a few minutes late arrival.

63 Declarations of Interest

There were no declarations of interest received.

64 Minutes of Previous Meeting

The minutes of the meeting held on 3 April 2023 were approved and signed by the Chair as a correct record.

Councillor Jackson acknowledged that although the minutes of the meeting held on 3 April 2023 captured all the detail, Members names were missing from the points that were noted. Councillor Jackson queried if there had there been a change in policy in how minutes were recorded.

Democratic Services confirmed that meeting minutes are not designed to be a verbatim record of the meeting, and that there had been a change in the minute style by management, which aimed to standardise how detail is captured.

65 Applications for Development

The Chair announced that application 22/03356/FUL, Land East Of Wroslyn, Road, Freeland, would be heard first, followed by the remaining applications in agenda listed order. Two applications had been withdrawn prior to the meeting, and therefore would not be heard that day.

22/03356/FUL Land East Of Wroslyn, Road, Freeland.

Joan Desmond, Principal Planner, introduced the application for the development of 80 residential dwellings (Use Class C3), community shop/cafe (Use Class E), allotments and site access, plus open space, drainage, landscaping and associated engineering works.

The Principal Planner drew the Members attention to the late representations report which contained a correction to paragraph 5.21, stating that 'A pumping station is located in the north western corner of the site, which will dispose of the foul water on site.' This should have stated 'north eastern'.

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Roger Faulkner, Chair, Freeland Parish Council, spoke in objection to the application.

Harry Whitbread, Friends of Freelands, spoke in objection to the application.

Sarah Butterfield, Planning Agent for Spitfire Homes, spoke in support of the application.

Copies of the speeches are attached to the original copy of the minutes.

The Principal Planner continued with the presentation, and informed the Committee that no pre-application guidance had been sought by the developers and that planners had advised the applicant to withdraw the application. Members were also advised of a change of wording to refusal reason 5 as follows:

The applicant has not entered into a legal agreement to secure the provision of affordable housing or required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, T2 and T3 and the relevant paragraphs of the NPPF.

Councillor Jeff Haine opened the discussion, which raised the following clarification points:

- Inappropriate location;
- Inappropriate scale;
- Detrimental to current landscape;
- Does not respect the character of the village;
- Current high sewage treatment levels without additional development;
- Surgery built just 3 years ago already at capacity;
- Noted technical objections from Highways and Thames Water.

Councillor Lidia Arciszewska proposed that the application be refused as per officer recommendations contained in the original report. This was seconded by Councillor Haine, was put to a vote, and was agreed unanimously.

Committee **Resolved** to:

- I. Refuse the application, in line with officer recommendations.

22/02066/FUL Charlbury House, Woodstock Road, Charlbury.

James Nelson, Senior Planner, introduced the application for the demolition of an existing dwelling and erection of replacement dwelling with associated outbuildings and landscaping works, Conversion and extension of existing cottage to form pool house with ancillary shower/changing facilities, new stables and Repair and extension of field barn (amended plans and description).

Neil Warner spoke in favour of the application. A copy of the speech is attached to the original copy of the minutes.

Councillor Hugo Ashton sought clarification on the intended use of the Lane. Mr Warner confirmed that the Lane would only be used by the family for private vehicle access.

The Senior Planner continued with the presentation and concluded that planners recommend that the application is approved, as per officer's recommendation in the original report.

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Councillor Jeff Haine opened the discussion stating that he totally agreed with the planners recommendations, to which the Committee agreed. The following discussion points were also raised:

- Site Scale, floor and surface areas;
- Height difference with existing and proposed site;
- Condition 7;
- Condition 13;
- Informative re vehicle access to site.

Councillor Haine proposed that the application be approved as per officer recommendations. This was seconded by Councillor Lidia Arciszewska, was put to a vote which carried with one abstention.

Committee **Resolved** to:

- I. Approve the application, in line with officer recommendations.

22/02785/HHD Cartref 21 Witney Street, Burford.

This application was not heard as it had been withdrawn by the applicant.

22/02786/LBC Cartref 21 Witney Street, Burford.

This application was not heard as it had been withdrawn by the applicant.

22/03540/FUL Eyston Piece Swinbrook, Road, Shipton under Wychwood.

James Nelson, Senior Planner, introduced the application for the demolition of existing dwelling and outbuildings, and the erection of a replacement dwelling with outside pool and tennis court and associated landscaping.

Alex Cresswell spoke in support of the application. A copy of the speech is attached to the original copy of the minutes.

The Senior Planner continued with the presentation and recommended the application be approved in line with officers recommendations, contained within the original report.

The Committee enquired about the Tennis Court fencing, next to the road. Mr Cresswell was content to agree with planners, that a condition be placed onto the application to describe the type of fencing required.

The Chair expressed a wish that Barn Owls be added to Condition 12.

Councillor Jackson enquired about the objection from the Parish Council. The Senior Planner confirmed that the full reason was available to view on the Council's website.

The Committee requested that the lighting condition on the Tennis Court to be strengthened.

Councillor Jeff Haine proposed that the application be approved in line with officer recommendations, with additional conditions on the fencing, lighting and inclusion of the Barn Owl. This was seconded by Councillor Rizvana Poole, was put to a vote and was agreed unanimously.

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Committee **Resolved** to:

- I. Approve the application, in line with officer recommendations with the following additional conditions:

9) Prior to the installation of any external lighting to serve the proposed dwelling, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including the type of lighting. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. No floodlighting or other form of external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

REASON: In order to minimise light pollution in the Cotswolds AONB.

13) Before development takes place, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations), barn swallow nest cups and barn owl nesting features shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional roosting features for bats and nesting opportunities for birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District local plan 2011-2031, and section 40 of the Natural Environment and Rural Communities Act 2006.

15) Prior to the erection of any fencing enclosing the tennis court hereby approved, details of the fencing to be erected (including colour) to enclose the tennis court shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the specifications set out in the approved details, and shall be maintained thereafter in accordance with those details.

REASON: To safeguard the character and appearance of the area.

23/00008/FUL Lansdowne Bruern Road, Milton under Wychwood.

James Nelson, Senior Planner, introduced the application for the erection of two detached garages.

Elizabeth Rendell spoke in support of the application. A copy of the speech is attached to the original copy of the minutes.

The Senior Planner continued with the presentation and concluded that planners recommended that the application be refused in line with officer recommendations contained in the original report.

Councillor Jeff Haine opened the discussion and agreed with officers recommendations. Councillor David Jackson stated he was slightly hesitant, but agreed that each application needed to be looked at case by case.

Councillor Haine proposed that the application be refused as per officer recommendations. This was seconded by Councillor Alex Wilson, was put to a vote and was carried, Councillor Jackson abstained from the vote.

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Committee **Resolved** to:

- I. Refuse the application, in line with officer recommendations.

23/00165/S73 Land North Of Gas Lane And Ascott Road, Shipton, under Wychwood.

James Nelson, Senior Planner, introduced the application for the variation of condition 2 of planning permission 20/00991/FUL, to allow design changes to Plot 1, including replacement of approved garage door with a window and erection of a single storey garage extension.

The Senior Planner drew the Members attention to the late representation report, where two supporting comments and one further objection had been received.

Lisa Cowan spoke in support of the application. A copy of the speech is attached to the original copy of the minutes.

The Senior Planner continued with the presentation and concluded that planners recommended that the application be refused as per officers recommendations contained within the original report.

Councillor Haine opened the debate, stating he disagreed with planning officers views that it was harmful, as the proposed building was lower in height, and if an extra condition could be added for landscaping. The Committee discussed the following aspects of the application:

- Change of garage to dining room;
- Landscaping;
- Closeness of the garage to the hedge;
- Section 73 of the application.

Councillor Haine proposed that the application be approved with additional conditions.. This was seconded by Councillor Jackson, and then put to a vote and was carried unanimously.

Committee **Resolved** to:

- I. Approve the application, with additional conditions; and
 - 1) 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.

- 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the area and amenity.

- 3) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

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REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

- 4) The boundary treatments to be erected to serve the development hereby approved shall be completed in accordance with the details agreed under application ref: 22/00553/CND and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

- 5) 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.

- 6) The development shall be completed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal, dated 15th April 2020 prepared by Windrush Ecology, as submitted with the planning application ref: 20/00991/FUL. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the bats, birds, reptiles, hedgehogs and amphibians 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, the National Planning Policy Framework (in particular 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.

- 7) Within three months of the date of this consent, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) integrated within the external walls of the new buildings and erected onto suitable mature trees, as well as hedgehog holes/gaps within any walls/fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented within three months of the details being agreed, and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and ensure permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

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- 8) Within three months of the date of this consent, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors (including the stream, site boundaries and the northern area of the site) will be minimised as much as possible. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging and commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular 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.

- 9) Within three months of the date of this consent, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. A full data search shall be obtained from the Thames Valley Records Centre (TVERC) and the results of this shall inform the detailed design of the planting proposals.

The landscaping scheme shall include, but not necessarily be limited to, the following biodiversity enhancements:

- The planting of hedgerows, using native, locally characteristic species, along the eastern and southern site boundaries;
- The planting of native, locally characteristic tree and shrub species, including along the eastern boundary of the site;
- The creation of wildflower meadow areas along the southern and eastern boundaries;
- The creation of a buffer along the stream using a suitable seed mix;
- The creation of log piles;
- A work schedule (including an annual work plan capable of being rolled forward over a 5- 10 year period) to detail the management and maintenance of habitat features.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the details being agreed.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 10) A report prepared by a professional ecologist certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular 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.

66 Applications Determined under Delegated Powers and Appeal Decisions

The Committee received the report of applications determined under delegated powers.

Councillor Jeff Haine queried application 15 on page 108 of the agenda reports pack, a split decision, and what was the detail of the application was. The Senior Planner confirmed that it was a discharge multiple decisions and the full detail was available on the website.

Committee **Resolved** to:

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

Appealed decisions

The Appeal decision was summarised by the Principal Planner Joan Desmond, concluding that the inspector agreed it was not in a sustainable location and would have a substantial negative impact on the area.

Committee **Resolved** to:

- I. Note the reported appeal decision.

The Meeting closed at 4.02 pm

CHAIR