

Minutes

of a meeting of the

Planning Committee



held on Wednesday, 19 July 2023 at
6.00 pm in Meeting Room 1, Abbey
House, Abbey Close, Abingdon,
OX14 3JE

Open to the public, including the press

Present in the meeting room:

Councillors: David Bretherton (Chair), Peter Dragonetti (Vice-Chair), Ken Arlett, Sam Casey-Rerhaye, Ali Gordon-Creed, Axel Macdonald, Ben Manning, and Ed Sadler
Officers: Darius Zarazel (Democratic Services Officer), Paula Fox (Development Manager), Paul Bowers (Planning Officer), Katherine Pearce (Planning Officer), Emma Bowerman (Planning Officer), and Cathie Scotting (Planning Officer)

Remote attendance:

Officers: Bertram Smith (Broadcasting Officer)

25 Chair's announcements

The chair welcomed everyone to the meeting, outlined the procedure to be followed and advised on emergency evacuation arrangements.

26 Apologies for absence

Apologies for absence were received from Councillors Katharine Keats-Rohan and Tim Bearder.

27 Minutes of the previous meeting

RESOLVED: to approve the minutes of the meeting held on 28 June 2023 as a correct record and agree that the Chair sign these as such.

28 Declarations of interest

Councillor Ben Manning declared an interest in item 8 on the agenda due to application P22/S1554/HH at Apple Croft, Slade End, Brightwell-cum-Sotwell, OX10 0RD being in his ward and on which he had fettered his discretion. Therefore, he would not participate in the discussion, debate, or vote on the application.

29 Urgent business

There was no urgent business.

30 Proposals for site visits

There were no proposals for site visits.

31 Public participation

The list showing members of the public who had registered to speak was tabled at the meeting.

32 P22/S1554/HH - Apple Croft, Slade End, Brightwell-cum-Sotwell, OX10 0RD

The committee considered planning application P22/S1554/HH for the variation of condition 2 (approved plans) and condition 4 (obscure glazing) on application P21/S0317/HH to comply with constructional details (as amended by drawings accompanying email from agent received 5 July 2022 and application form received 26 April 2023 and amplified by information received 26 April 2023 and corrected by revised block and roof plan received 31 May 2023) (extension and alterations to include raising the roof to create a full height first floor), on land at Apple Croft, Slade End, Brightwell-cum-Sotwell.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was called into the committee by the local ward member, Councillor Anne-Marie Simpson. Since the publication of the agenda, the planning officer also informed members that the council had received seven more objections from local residents.

On the application itself, the planning officer noted that it was for a variation of condition on a planning permission granted in 2021 for an extension to the dwelling. This permission was sought in order to regularise the current built form of the property. He also informed members that the primary variation to the approved plans involved raising the roof height, but also included changes to the obscure glazing.

The planning officer then emphasised to members that the starting point for assessing the application was between the permitted plans in the 2021 application and what was currently built, and if the difference between the two constituted sufficient harm for it to be refused.

Overall, as the planning officer believed that the variation on the original permission was acceptable as the changes to the original permission did not amount to material harm, he recommended that the application be approved.

Celia Collett spoke on behalf of Brightwell-cum-Sotwell Parish Council, objecting to the application.

Rolfe Edwards, the applicant, spoke in support of the application.

Councillor Anne-Marie Simpson and Ben Manning, local ward councillors, spoke objecting to the application.

The committee had conducted a site visit prior to the discussion of the application at the committee meeting.

Members asked about one of the objection letters which questioned the legality of the process the applicant was taking with the application. However, the planning officer clarified that the application before the committee was to regularise the work done on site and confirmed that the process the applicant took was the appropriate one.

On the existing first floor windows on site, members inquired into if they were higher or lower than they were indicated as being in the proposed plans, and they were satisfied with the planning officers' response that they were of a comparable height to what was approved. The planning officer also noted that the front windows looked out over a public highway which was not unusual and would not be harmful to neighbouring amenity.

On a question about landscaping, the planning officer noted that a proposed condition for the approval of the application would secure additional planting that would be required to be undertaken within six months of approval and this also satisfied members.

In response to a question about the lack of timber cladding to the front of building, which was shown in the originally approved application, the planning officer confirmed that this was not required and so the applicant had not chosen to include it in the current application.

As there was discussion around the accuracy of the plans presented to the committee, and if they were verified by the council, the development manager confirmed that the fundamental key dimensions of the dwelling were measured during the council's enforcement investigation into the site and were accurately reflected by the plans in the officer's report, including the position of the windows. The development manager also discussed the process that the enforcement team took, informing the committee that when they identified a difference between a site and the approved plans, they advised the applicant to stop work in order to assess it. When an applicant put in an application to regularise the existing situation, some applicants continued to build, which was the case with the application site before the committee. However, the development manager stressed that the committee's decision was to see if the existing building caused harm above the approved plans.

Members also asked about the bedroom windows potentially overlooking the neighbours, but the planning officer clarified that the obscuring glazing was not required for these specific windows.

Overall, as the committee was satisfied with the planning officers' response to its questions, that the height of the roof complied with Local Plan policies, and that if the current plans were presented with the previous application on the site that it would be approved, and members could see no material planning reasons to refuse the application. Therefore, the committee agreed to approve the application subject to conditions.

A motion, moved and seconded, to approve the application was carried on being put to the vote.

RESOLVED: to approve planning application P22/S1554/HH, subject to the following conditions:

1. Approved plans
2. Landscaping Scheme – within 6 months
3. Obscure glazing

33 P22/S3825/O - Toll Lodge Farm, London Road, near Tetsworth, OX9 7AZ

The committee considered planning application P22/S3825/O for the provision of equestrian fitness and rehabilitation centre, with ancillary buildings, parking and landscaping, on land at Toll Lodge Farm, London Road, near Tetsworth.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was brought to the committee due to the objection of Tetsworth Parish Council.

The planning officer informed the committee that the site was about a kilometre to the east of Tetsworth and that there was a 2014 extant permission on the site for its use as a domestic stable. She also noted that since that permission, the site had been used for storage of building materials which was subject to a separate ongoing enforcement action, including the entrance gates which was not a material planning consideration.

The application was also noted by members as being an outline application with all matters considered except landscaping.

The planning officer then informed members that the application was identical to an application that had been dismissed at appeal in 2022. The committee noted that the reason the inspector dismissed the appeal was on technical grounds; around carbon reduction not meeting Local Plan policy DES10 requirements and about the protection of great crested newts. However, the inspector found the principle of the proposed development to be acceptable. The planning officer then highlighted that the current application addressed the DES10 requirements and the concerns about the great crested newts as the applicant was prepared to enter into the district licensing scheme for their protection.

The planning officer then discussed the parish council's objection as they believed that the inspector did not give full weight to their neighbourhood plan as it was not made at the time of the appeal. However, she assured the committee that the neighbourhood plan was given full weight at the time and also that there had been no material change in circumstances between when the planning inspectorate made their decision and the current application.

Overall, as an independent inspector reviewed the plans and considered them acceptable, and the planning officer believed that all the issues were addressed from

the appeal of the previous application, she recommended that the application be approved.

John Gilbert spoke on behalf of Tetsworth Parish Council, objecting to the application.

Jake Collinge, the agent representing the applicant, spoke in support of the application.

Councillor Georgina Heritage, a local ward councillor, spoke objecting to the application.

The committee asked about the planning inspectorate and if they could change their opinion if the application went to appeal again. In response, the planning officer confirmed that the past decision would be a factor in the planning inspectorate's consideration, and they would need a robust justification to depart from the previous decision. Members then asked if the inspector did give enough weight to the neighbourhood plan and the planning officer clarified that the neighbourhood plan was submitted to the inspector during the appeal, and they were also made aware of the strength of feeling by the community to the application.

In response to a question about if the site was viewed as greenfield or brownfield, the planning officer affirmed that the site was considered to be an equine facility, which was permitted by the extant 2014 permission, and that the current state of the site had not affected the officers' recommendations. Also, on a question of need for the facility, the planning officer confirmed that the extant 2014 permission meant that no justification for need for the proposed equine fitness and rehabilitation centre was required to be proven by the applicant.

The committee then discussed the provision of an isolation unit for sick horses and if this was in the plans, but they were reminded that this was not a material planning consideration, although the size of the site could facilitate a horse isolation unit. The development manager added that an informative could be put on the permission which would point them to the National Equine Welfare Council standards for these facilities, specifically around isolation units.

Members then asked about an additional potential condition for control over external lighting but were content that this would be covered by suggested condition 17 in the officer's report. In response to another proposed additional condition that the site was cleared before work was commenced, the development manager confirmed that this would not be reasonable, although the site was currently undergoing enforcement action.

The committee then discussed sustainable building design but were satisfied with the comments of the planning officer that the plans met Local Plan policy DES10 and that BREAM excellent standard would be met and enforced in the recommended conditions.

Overall, due to the 2014 extant permission for an equine facility on the site, and that all the issues raised by the inspector at the 2022 appeal were addressed, the committee agreed that the application should be approved subject to conditions and the additional informative about equine health.

A motion, moved and seconded, to authorise the head of planning, in consultation with the chair of the planning committee, to approve the application was carried on being put to the vote.

RESOLVED: to authorise the head of planning, in consultation with the chair of the planning committee, to approve planning application P22/S3825/O, subject to:

a) the applicant entering into the Great Crested Newts District Level Licensing Scheme with NatureSpace, within one month of this decision, and conditions associated with this scheme, and

b) the following conditions:

1. Commencement - Outline with Reserved Matters
2. Approved plans
3. Levels (details required)
4. Schedule of Materials
5. Energy Statement Verification
6. BREEAM Design Stage Certificates
7. New vehicular access
8. Vision splay dimensions
9. Tree Protection (General)
10. Landscaping & protection of retained trees / hedgerows
11. Landscape Management Plan
12. Construction Environment Management Plan (CEMP)
13. Biodiversity Enhancement Plan (BEP)
14. DLL condition to be specified by NatureSpace
15. DLL condition to be specified by NatureSpace
16. DLL condition to be specified by NatureSpace
17. Lighting
18. Surface water drainage works (details required)
19. SUDS compliance
20. Foul drainage works (details required)
21. Manure storage and disposal

Informative:

The applicant should ensure that the proposed development meets the necessary standards as set out by the National Equine Welfare Council, in particular in relation to isolation units for infectious diseases.

34 P23/S0431/RM - Land off Cuxham Road, Watlington

During this agenda item, the meeting length had reached almost two and a half hours. In accordance with the council's Constitution, the committee voted to extend the meeting in order to finish this item – as applications P23/S0431/RM and P23/S0433/RM were being taken together as the same item by the committee, the meeting was extended to cover these applications.

The committee considered planning application P23/S0431/RM for the reserved matters in relation to 70 dwellings, including details of access, appearance, landscaping, layout and scale. Including details required pursuant to conditions 1 (reserved matters); 6 (housing mix); 7 (details to be submitted with reserved matters);

8 (Biodiversity Enhancement Plan); 11 (Pedestrian and Cycle Access); 14 (Lighting); 15 (CEMP); 16 (Arboricultural matters); 17 (surface water drainage); 18 (foul drainage) and 26 (housing standards) on application P19/S1928/O, as emended by plans and information received 22 May 2023 and 5 July 2023, on land off Cuxham Road, Watlington.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application had been called into committee by the former ward member, Councillor Anna Badcock. In addition, there were several updates since the agenda was published including two amendments; firstly, to paragraph 6.6 of the officer report which the sentence "subject to a condition to secure the correct tenure mix" should be removed as this was provided in a new tenure plan, and secondly to paragraph 6.16 as it should read "access onto Cuxham Road", not Britwell Road. In addition, a further response was received from Pyrton Parish Council which welcomed the revisions to the applications and confirmed that it addressed their concerns, and the planning officer was also aware that Shirburn Parish Council and the applicant had also sent representations to members.

The planning officer then informed members that both applications P23/S0431/RM and P23/S0433/RM were in land allocated for the re-aligned B4009 in the Watlington neighbourhood development plan and the developers of the applications would build the Edge Road within the housing developments and that Oxfordshire County Council as the highway authority would build the connections between those roads. She also clarified to members that the roundabout to the west of Site B (application P23/S0431/RM) was not part of the application as it was the responsibility of Oxfordshire County Council which was scheduled to submit the plans for it in October 2023. It was noted that the applications proposed priority junctions from Site B onto Cuxham Road and from Site C (application P23/S0433/RM) onto Pyrton Lane.

The principle of 70 homes on the Site B and 60 homes on Site C was established with the outline applications and the planning officer noted that the main differences between the outline and current applications was that the development of Site B was set further back into the site primarily to allow for the roundabout to be located away from the chalk stream and flood zone. For site C, the planning officer noted the comment from the landscaping officer about the desire to have seen more planting, but she believed that these were not sufficient grounds alone to refuse the application.

The planning officer then informed members that the applicant had not agreed to several pre-commencement conditions proposed in the officer's report so she suggested that the trigger for conditions three to eight would be prior to above ground development.

The planning officer also noted that they were satisfied with the range of houses provided in both Site B and Site C and that they met Local Plan policy requirements.

Overall, as both applications would deliver a good range of house sizes and was considered acceptable in all other respects, the planning officer recommended that the applications be approved.

Gill Bindoff spoke on behalf of Watlington Parish Council, in support of the application.

Robert Parker, representing Shirburn Parish Council, and Debby Proctor, representing Cuxham with Easington Parish Meeting, spoke objecting to the application.

Chris White, the agent representing the applicant, spoke in support of the application.

Councillor Freddie van Mierlo, a local ward councillor, spoke in support of the application.

The committee asked about landscaping and if there could be conditions put on an approval to bolster the planting, but the planning officer responded that they had reached a stage in which they considered the scheme acceptable and so this would not be reasonable. In addition, in response to a question about how the landscape and greenspace on site would be managed, the planning officer confirmed that a management company would be set up and funded by the local residents on Sites B and C and in which the residents would have a controlling interest, and this satisfied members.

On a question about the Edge Road through the developments, and if the current applications were dependent on Oxfordshire County Council completing its road infrastructure, the planning officer confirmed that a planning inspector had considered a cumulative impact assessment when they were examining the application on Site A and found that Sites A, B, and C would not be reliant on the County Council completing its Edge Road work.

Members also asked about the existing road through Watlington and what effect the proposed road would have. In response, the planning officer told members that it was her belief that the road would have significant benefits to Watlington as it would ease traffic through the town centre and make it more pleasant for pedestrians.

The committee then inquired into the lack of provision of solar panels or heat pumps on the site but were satisfied with the officer's response that the applicants met the council's energy standards required in the Local Plan through a fabric first approach.

On parking, member questioned if the provision of 370 spaces for 130 dwellings was policy compliant and this was confirmed by the planning officer who noted that the Highways Authority had no objections to scheme. Furthermore, members inquired as to why the dwellings included garages but were content that highways also had no objection to this and that they could be used by residents for storage.

The committee expressed some concerns about the chalk stream on the site and inquired as to what assessment there was for its protection. However, the planning officer confirmed that she had several discussions with the council's ecologist and drainage engineer who was satisfied that the surface water would be filtered before being discharged into the ground and that the sites were designed to ensure that there was no direct discharge into the chalk stream. In addition to this, a proposed condition on the outline application was for a construction environmental management plan which included measures to reduce runoff and the ecologist was satisfied with the information provided in that document and so had no objections to the applications. Lastly, members noted that there were some areas of the site where permeable

pavements were proposed, and because of this and the planning officer's previous comments, they were satisfied with the overall drainage proposals for both applications and that that chalk stream would be protected.

Members then discussed the housing mix but were also satisfied that the applications provided Local Plan policy compliant provisions.

The committee asked about the potential to condition a removal or permitted development rights on the approval of the applications but as the planning officer believed the sites to be low density, they recommended the committee did not apply this condition. In addition, on a potential condition to prevent conversion of garages to internal accommodation, the development manager suggested that this not be applied as she did not believe this was what would depend on making the scheme acceptable.

Overall, as the committee was satisfied with the planning officers' response to their questions and confirmation about chalk stream protection, energy efficiency, and the Edge Road, as well as that the applications were supported by the local parish council and their neighbourhood plan, they agreed that the application should be approved subject to conditions.

A motion, moved and seconded, to approve the application was carried on being put to the vote.

RESOLVED: to approve planning application P23/S0431/RM, subject to the following conditions:

1. Approved plans

Conditions to be agreed prior to commencement:

2. Existing and proposed ground levels

Conditions to be agreed prior to above ground development:

3. Refuse strategy

4. Landscape Management Plan

5. Details of street furniture

6. Cycle parking

7. Details of the shared pedestrian cycle route adjacent to the play area

8. Details of underground crate systems for trees where soil volume is not adequate.

9. Samples of materials

Conditions to be agreed prior to occupation:

10. Verification report for energy measures

Compliance conditions:

11. Flint work to be hand laid

12. Visibility splays to be provided and retained.

35 P23/S0433/RM - Land between Pyrton Lane and Cuxham Road, Watlington

The committee considered planning application P23/S0433/RM for the reserved matters in relation to 60 dwellings, including details of access, appearance,

landscaping, layout and scale including details required pursuant to conditions 1 (reserved matters); 6 (housing mix); 7 (details to be submitted with reserved matters); 8 (Biodiversity Enhancement Plan); 11 (Pedestrian and Cycle Access); 14 (Lighting); 15 (CEMP); 16 (Arboricultural matters); 17 (surface water drainage); 18 (foul drainage) and 26 (housing standards) on application P19/S1927/O as amended by plans and information received 22 May 2023 and 5 July 2023, on land between Pyrton Lane and Cuxham Road, Watlington.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officers report for the application was presented along with the previous application, P23/S0431/RM on the land off Cuxham Road, Watlington, as the sites were connected and would be built out together by the same developer.

Gill Bindoff spoke on behalf of Watlington Parish Council, in support of the application.

Robert Parker, representing Shirburn Parish Council, and Debby Proctor, representing Cuxham with Easington Parish Meeting, spoke objecting to the application.

Chris White, the agent representing the applicant, spoke in support of the application.

Councillor Freddie van Mierlo, a local ward councillor, spoke in support of the application.

Overall, as the committee was satisfied with the planning officers' response to their questions and confirmation about chalk stream protection, energy efficiency, and the Edge Road, as well as that the applications were supported by the local parish council and their neighbourhood plan, they agreed that the application should be approved subject to conditions.

A motion, moved and seconded, to approve the application was carried on being put to the vote.

RESOLVED: to approve planning application P23/S0433/RM, subject to the following conditions:

1. Approved plans

Conditions to be agreed prior to commencement:

2. Existing and proposed ground levels

Conditions to be agreed prior to above ground development:

3. Refuse strategy

4. Landscape Management Plan

5. Details of street furniture

6. Cycle parking

7. Details of the shared pedestrian cycle route adjacent to the play area

8. Details of underground crate systems for trees where soil volume is not adequate

9. Samples of materials

Conditions to be agreed prior to occupation:

10. Verification report for energy measures

Compliance conditions:

11. Flint work to be hand laid

12. Visibility splays to be provided and retained.

The meeting closed at 20:53
