

Minutes

of a meeting of the

Planning Committee



held on Wednesday, 13 December
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), Sam Casey-Rerhaye, Stefan Gawrysiak, Ali Gordon-Creed, Alexandrine Kantor, and Ed Sadler
Officers: Vivien Williams (Head of Legal and Democratic (Interim)), Darius Zarazel (Democratic Services Officer), Adrian Duffield (Head of Planning), Marc Pullen (Planning Officer), Paul Lucas (Planning Officer), and Katherine Pearce (Planning Officer)
Guests: Councillor Jo Robb

Remote attendance:

Officers: Susie Royce (Broadcasting Officer) and Sharon Crawford (Planning Officer)

121 Chair's announcements

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

122 Apologies for absence

Apologies for absence was received from Councillors Axel Macdonald, Ken Arlett, who was substituted for Councillor Stefan Gawrysiak, and Councillors Katharine Keats-Rohan, Tim Bearder, and Ben Manning, who was substituted for Councillor Alexandrine Kantor.

123 Minutes of the previous meeting

RESOLVED: to approve the minutes of the meeting held on 22 November 2023 as a correct record and agree that the Chair sign these as such.

124 Declarations of interest

Councillor Peter Dragonetti declared an interest in agenda item 7, application P23/S1610/S73 at Grove Hill Farm, Manor Road, Towersey, OX9 3QT, as he had

given the appearance of fettering his discretion, he would stand down from the committee during the item and leave the meeting room.

Councillors Ed Sadler and Ali Gordon-Creed declared an interest in agenda item 7, as they had been to a site visit without an officer present on the site of application P23/S1610/S73, at Grove Hill Farm, Manor Road, Towersey, before it was submitted, and although they did not feel pre-determined on the application they would stand down from the committee during the item and leave the meeting room.

125 Urgent business

There was no urgent business.

126 Public participation

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

127 P23/S1610/S73 - Grove Hill Farm, Manor Road, Towersey, OX9 3QT

The committee considered planning application P23/S1610/S73 for the variation of condition 2 (approved plans) on application P22/S0537/FUL (Erection of replacement dwelling with associated parking and landscaping. Erection of a replacement pool house, machinery store and gates). Variation to reduce height of dwelling and build on ground level rather than setting property down into the ground and variations to the elevations. (As amended by plans received 3 July 2023 to demonstrate how deep the dwelling has been set down in the site and as amended by plans received 10 August 2023), on land at Grove Hill Farm, Manor Road, Towersey.

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 Towersey Parish Council.

The planning officer informed the committee that the proposal sought planning permission under Section 73 to vary permission on the approved application at Grove Hill Farm. He noted that the permission was granted in June 2022 and the variation itself sought to build the replacement dwelling on the existing ground rather than building it sunken down. Therefore, the planning officer highlighted to members that the proposed dwelling would be one metre higher than the previously approved dwelling.

A previous application was heard by the committee in February 2023 and was refused based on the proposals visual impact and its harm to the surrounding landscape. The planning officer informed members that the current application amounted to a 30cm reduction in height from that refused scheme. Based on this, the planning officer believed that the reasons for refusal were addressed as there was a material reduction on the proposals impact to the surrounding landscape. In addition, the landscape officer had no objection subject to a landscaping scheme.

Overall, whilst the proposal was one metre taller than the already approved plans, it was not believed that it would have an adverse impact on the landscape, something aided by the landscaping plan. For these reasons, the planning officer recommended that the application be approved.

Gregory Lismore spoke on behalf of Towersey Parish Council objecting to the application.

Ciro Paradiso, the applicant, spoke in support of the application.

The committee asked about the data that the landscaping officer was using and the planning officer clarified that their comments on the application were using the most recent plans, although he could not comment on what data set they had used.

Members inquired into the distance between the proposal and the nearest dwelling, and the planning officer confirmed that it was Penn Farm, due east of the site, which was approximately 650 metres away.

On a question about the proposed landscaping, the planning officer confirmed that the growth of the planting would be sufficient to assimilate the building into the landscape and the response satisfied the committee.

The committee then discussed the height of the dwelling in relation to the surrounding area but were satisfied when examining the photographs of the area and the proposed site.

The committee noted that the site was at a distance away from the village and the closest dwellings. They also agreed that it would not be out of keeping with the existing buildings in the area and that the proposed landscaping scheme was sufficient to assimilate the building into the landscape. For these reasons 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 P23/S1610/S73, subject to the following conditions:

1. Development to be implemented in accordance with approved plans
2. Development to be implemented in accordance with materials specified on plan
3. Implement wildlife protection/measures as previously agreed by planning permission P22/S0537/FUL
4. Implement contaminated land measures as previously agreed by application P22/S2427/DIS
5. Implement drainage measures as previously agreed by application P22/S2427/DIS
6. Requirement to report and deal with any unsuspected contamination found on site
7. To implement development strictly in accordance with measures set out within approved Energy Statement
8. Need to provide Electric Vehicles Charging Point(s) on site

9. Any external lighting scheme to be first submitted to and approved by the Local Planning Authority
10. Landscaping of the site in strict accordance with submitted Landscaping Plan

128 P23/S3077/FUL - Greys Meadow Studio, near Rotherfield Greys, RG9 4QJ

The committee considered planning application P23/S3077/FUL for the retention of Greys Meadow Studio (retrospective), on land at Greys Meadow Studio, near Rotherfield Greys.

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 retrospective and sat within the Chilterns National Landscape. He also took the committee through the planning history of the site, noting that an application for the studio was refused in 2020 and an appeal against the corresponding enforcement notice was dismissed in 2022 as the planning inspectorate believed that the building would have a substantially harmful impact on the landscape.

In relation to the officers recommendation about using Section 70C of the Town and Country Planning Act 1990 (as amended) to decline to determine the application, the planning officer clarified to members that the reasons for this recommendation were due to the fact that, in officers' opinion, the building proposed in the application was substantially the same as the one that was subject to the extant enforcement notice and that there had also been no material changes in situation since the appeal. This legislation allowed for local authorities to decline to determine an application in such situations in order to prevent applicants taking multiple bites of the cherry and put in further applications for a site subject to enforcement action.

The planning officer informed the committee that they could resolve to either decline to determine the application or resolve to determine it. If the committee did choose to determine the application, the planning officer emphasised that it would not be determined at the current meeting but taken away and determined under delegated authority by officers or that it would be brought back to the committee at a later date.

Due to the application being essentially the same as the one with the extant enforcement notice on it, the planning officer recommended that the committee decline to determine the application.

Nick Digby spoke on behalf of Rotherfield Greys Parish Council, objecting to the application.

Jim Murphy spoke objecting to the application.

Suzanne Scott, the agent representing the applicant, and Gavin Jackson, the architect, spoke in support of the application.

Councillor Jo Robb, a local ward councillor, spoke objecting to the application.

The committee asked about another building that was on the site, the stall, but it was confirmed that although it was part of the appeal it did not form part of the current application.

Members inquired into a meeting mentioned by the applicant, held between the head of planning and the applicant. In response, the head of planning clarified to members that he did not believe the advice given was to put an application for the studio forward but that this was not a materially relevant consideration for the committee who should assess the application on its similarities to the building in the enforcement notice.

On a question about if it was usual for applicants to submit applications after the issuing of an enforcement notice, the head of legal and democratic (interim) clarified that the committee should consider the situation before them; that there was a refused application subject to enforcement and upheld at appeal as it was considered to cause harm to the area, be a detriment to the surrounding setting, failing to conserve or enhance the National Landscape, and that it was in conflict with the Local Plan and National Planning Policy Framework. As officers believed the current application to be substantially the same as the subject of that enforcement notice, they recommended that the committee decide not to determine the application.

In response to a question about what would happen if the committee decided to not determine the application, the head of planning informed members that the council would go back to the enforcement notice that was upheld at appeal, which required the applicant to demolish the studio.

Overall, members agreed that the proposed building in the application was essentially the same as the one subject to the extant enforcement notice. For this reason, they agreed to decline to determine the application.

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

RESOLVED: to decline to determine application P23/S3077/FUL under Section 70C of the Town and Country Planning Act 1990 (as amended).

129 P23/S0565/FUL - 81 Lower Icknield Way, Chinnor, OX39 4EA

The committee considered planning application P23/S0565/FUL for the demolition of 1 dwellinghouse and erection of 10 new dwelling houses on land to the rear of 79-83 Lower Icknield Way, Chinnor, on land at 81 Lower Icknield Way, Chinnor.

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 Chinnor Parish Council.

The planning officer informed the committee that since the publication of the agenda there had been an update to the officer's report. Oxfordshire County Council clarified

that they had withdrawn the education contribution requirement but that contributions to transport and the household waste recycling centre were still a requirement. Therefore, the planning officer clarified that the recommendation would be amended to, 'to delegate to the Head of Planning in consultation with the Chair of Planning Committee, to grant planning permission, subject to the prior completion of A) Section 106 agreement to secure £10,197 for provision of public transport services, £846 for household waste recycling centres, and securing offsite highways improvement works, and B) the conditions listed in the report'.

The application itself was noted as being for the demolition of one dwelling and the building of 10, resulting in a net gain of nine dwellings. The planning officer also discussed the surrounding area, noting the paddock land to the north and the dwellings to the west and east. She also noted that the site was within the settlement area of Chinnor as defined in the neighbourhood plan and that the application had been amended to reduce all the dwellings to two stories but that they were of mixed sizes to meet Local Plan policies.

The planning officer also noted the objections that had been received from the parish council which revolved around the application not being allocated in the made neighbourhood plan and that it was not an infill site. However, the planning officer did consider the site to be infill as, in her opinion, it was contained by surrounding developments. She also noted the councils lack of five-year housing supply and that the site would therefore produce windfall housing.

Following amendments to the application, the planning officer confirmed that the highways authority had no objections to the scheme. In addition, on the local concerns about the ability of schools to cope with the development, the planning officer noted that an expansion of the Mill Lane school was possible and could accommodate the sites growth.

Overall, as the planning officer believed the application was in accordance with the neighbourhood plan, in keeping with the surrounding area, a sustainable site, and positively contributed to the five-year housing land supply, she believed that the application should be approved.

Councillor Jackie Webb spoke on behalf of Chinnor Parish Council, objecting to the application.

Peter Brook spoke objecting to the application.

Peter McCorkell, the agent representing the applicant, spoke in support of the application.

Councillor Ali Gordon-Creed, a local ward councillor, spoke objecting to the application.

The committee asked for clarification about the five-year land supply and how the titled balance in favour of development was engaged as they noted that Chinnor had a neighbourhood plan and they believed that this meant they would only need to demonstrate a three-year land supply. In response the planning officer confirmed that the titled balance would be engaged as the site was in the settlement boundary of

Chinnor and therefore not in conflict with the neighbourhood plan, and that permission should be granted unless an application would have significantly and demonstrably negative impacts.

Members highlighted the biodiversity policies of the Chinnor neighbourhood plan as it specified a preference for achieving onsite biodiversity net gain, whereas the application would not achieve this, instead they proposed to purchase credits for offsite biodiversity gain. In response, the planning officer agreed that not providing onsite biodiversity net gain was harmful but that the committee should weigh up these harms against the applications benefits.

In response to a question about the planning history of the site, the head of planning confirmed that there had been applications on the site although they had included the northern paddock which was outside of the Chinnor settlement area. Members also agreed that the application would result in a back land development due to the housing being built further back into the plot than the other houses on Lower Icknield Way.

Members highlighted the potential for flooding caused by additional ground water generated by the development, an issue they knew had already existed for residents in the past. In addition, they expressed concerns about the potential increased runoff being discharged into the nearby chalk stream. The committee did receive assurances that the council's drainage engineer had no objection to the plans due to the mitigation measures proposed and with the proposed conditions, and that the drainage engineer was aware of the local circumstances regarding groundwater flooding.

The committee expressed concern that the application would not meet the standards of the neighbourhood plan regarding onsite biodiversity net gain as they noted that the scheme would create a biodiversity net loss for the site. In addition, they believed the application was in further conflict with the neighbourhood plan due to it not being an infill development, as it was an unallocated site set much further back from the other dwellings on Lower Icknield Way.

Members also noted that development of plot 10 would encroach very close to the neighbour and they agreed that this would negatively affect their amenity and be an unneighbourly development. In addition, concern about the ability of local infrastructure to cope with the development, such as school places, was also mentioned.

Overall, as the committee agreed that the application was contrary to the Chinnor neighbourhood plan, specifically around biodiversity net gain and infill developments, and that it adversely impacted neighbouring amenity, they agreed that the application should be refused.

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

RESOLVED: to refuse planning application P23/S0565/FUL, for the following reasons:

1. The proposed development would not be in accordance with the Chinnor Neighbourhood Plan in that it is not on a site allocated in the Plan and it does not constitute infill development. The proposed development would be

- inappropriate backland development. The proposed development would therefore be contrary to Policies CH H1, CH H6 and CH H7 of the Chinnor Neighbourhood Plan Review II 2023 and Policy H16 of the South Oxfordshire Local Plan 2035.
2. That Plot 10 of the proposed development would have an overbearing impact on the garden of No. 85 Icknield Way, which would be unneighbourly and intrusive, contrary to Policy CH H1 of the Chinnor Neighbourhood Plan Review II 2023 and Policy DES6 of the South Oxfordshire Local Plan 2035.
 3. That the development will cause a net loss in biodiversity, for which offsite compensation is proposed rather than seeking to provide for biodiversity net gain on site. The proposed development is therefore not in accordance with Policy CH GP2 of the Chinnor Neighbourhood Plan Review II 2023 and Policy ENV3 of the South Oxfordshire Local Plan 2035.
 4. In the absence of a completed Section 106 legal agreement, the proposed development fails to secure infrastructure necessary to meet the needs of the development. As such, the proposal is contrary to policies INF1, and TRANS5 of the South Oxfordshire Local Plan 2035.

130 P20/S2092/FUL - Fairhaven School Lane, Stoke Row, RG9 5QS

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.

The committee considered planning application P20/S2092/FUL for the demolition of a single storey residential property and the construction of a new two storey residential property, on land at Fairhaven, School Lane, Stoke Row.

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 Stoke Row Parish Council.

The planning officer informed the committee that the permission was requested for the replacement of an existing dwelling with a new two storey property. He also discussed the objections received to the application, noting that they related primarily to the size, siting, and impact that the proposed dwelling would have on the area and the neighbours. However, he considered that the design, form, and the position of the dwelling would be appropriate for the area. The planning officer also considered that the property would be served by adequate parking and amenity space.

The planning officer did note that the proposed dwelling would be four metres from the shared boundary with the neighbours with a side window facing the neighbouring garden and property. For this reason, a condition for obscure glazing and the window to be fixed shut was proposed.

Overall, as the planning officer was satisfied with the conditions over landscaping and that there were no objections from technical consultees, he recommended the application be approved.

Roger Clayson spoke on behalf of Stoke Row Parish Council, objecting to the application.

Andrea Winfield and Nick Winfield spoke objecting to the application.

Councillor Jo Robb, a local ward councillor, spoke objecting to the application.

The committee were concerned about the window on the proposed dwelling that was positioned to overlook the neighbouring amenity space and property and asked about the officers proposed condition to try to address this. In response, he confirmed that they would be fixed shut and obscure glazed, and that if the applicant wanted to change this in the future it would need another planning application to be legal.

Members asked the planning officer if they could condition the removal of the side window as they saw it as being harmfully overbearing to the neighbour as well as not meeting a high quality of design. However, he clarified that this was not possible.

Members also discussed the design of the dwelling, agreeing that its design was not of significant architectural merit, and they also noted that the site was in the Chilterns National Landscape.

Overall, the committee believed the proposals height, siting, and levels would create an overbearing situation for the neighbour, negatively impacting their amenity. For this reason, they agreed to refuse the application.

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

RESOLVED: to refuse planning application P20/S2092/FUL, for the following reason:

That due to the scale, height and siting of the proposed new dwelling and the difference in levels between the application site and neighbouring No.1 Southview the proposed development would result in an overbearing impact on No. 1 Southview and its private garden and as such would fail to comply with Policy DES6 of the South Oxfordshire Local Plan.

The meeting closed at 9.12 pm

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