

**Charlbury Town Council  
Minutes of the PLANNING MEETING**

**Held on Monday 16<sup>th</sup> January 2023 at 8pm in the Morris Room, Corner House**

**Present: Cllrs:** Peter Kenrick (in the chair), Liz Reason, Gareth Epps, Dan Raymond-Barker, James Styring, Janet Burroughs, Claire Wilding, Gary Harrison, Tim Crisp, Nick Potter, **Town Clerk:** Lisa Wilkinson, 8 members of public

**1. Apologies for Absence** were received from Tony Merry and Frances Mortimer

To receive **Declarations of Interest:** Claire Wilding declared an interest in 22/03386/HHD 42A Ticknell Piece Road, Charlbury and Tim Crisp declared an interest in 22/03220/HHD & 22/03221/LBC The Priory Church Lane, Charlbury

**2. Public time**

James Whitehead spoke as a Trustee of Friends of West Oxfordshire Cotswolds (FOWOC) and CEO of the International Tree Foundation.

The forest next to the Rushybank development is registered as ancient woodland. Natural England advises that a minimum 15 metre buffer is needed to protect this woodland. The poplars in the woodland have been felled (with permission) but research shows that ancient woodland can regenerate if well managed. National planning policy now states that all applications that cause damage should be refused. The proposed 5 metre buffer does not reflect what the woodland needs. This application is in breach of this guidance and national policy

Mr Whitehead requested the TC to consider 4 responses:

- Object to this planning application
- Request a full Environmental Impact Assessment
- Ask for comments from the Landscape and Forestry Officer
- Request the application is decided at WODC planning committee

Ian Cox spoke on behalf of the Rushybank developers, HarperCrewe.

He set up the Rushybank partnership eight years ago. Planning permission for the development was gained in January 2020 and approval of discharge of planning conditions in August 2022.

The legal challenge launched by FOWOC is against the decision of WODC to discharge the planning conditions and does not challenge the principle of development.

This S73 application is a variation of condition application which relates to the standalone dwellings within the site. The application aims to achieve the following:

- Design adjusted so no plots are situated in the ecological buffer zone
- Full provision of 5m buffer and 2.5m buffer areas. There is no fixed requirement for a 15-metre buffer
- Establishment of management company to maintain public open space and ecological buffer area
- Provision of sustainable dwellings (solar panels, some air source heat pumps)
- Provision of landscaping scheme in response to WODC's Landscape and Forestry Officer

**3. To receive minutes of planning meeting dated 12 December 2022**

These were received and signed as true record.

Peter Kenrick made a statement about the context of the planning application. See appendix 1.

**5a. Planning applications received:**

Ref no:	Address:	Proposal:	TC Decision
22/03294/S73	Land South Of Forest Road Charlbury	Variation of conditions 2, 3, 6, 7, 8 and 12 of permission 15/03099/FUL to adequately address land level changes and to ensure that a suitable ecological buffer is provided around the edge of the development	No objection subject to comments/requests. See Appendix 2 for full text of comment. (Proposed by LR, seconded by JB, 9 for 1 against.)
22/03286/LBC	Newington House Sheep Street Charlbury	Internal alterations to include the relocation of kitchen from first to ground floor and associated works	No objection however this application makes no acknowledgement of the existence of the neighbourhood plan.
22/03220/HHD & 22/03221/LBC	The Priory Church Lane, Charlbury	Internal and external alterations to install an 8kw solar panel array to the south facing roof of northern stable block along with the inverter and any battery to be placed within the stable building with associated works	No objection
22/03386/HHD	42A Ticknell Piece Road, Charlbury	Rear sunroom, front single storey extension and two storey side extension	No objection
22/03434/HHD	29A Woodfield Drive, Charlbury	Garage conversion to create living space. Removal of garage door to be replaced with a window. Addition of hard roof to existing conservatory. Replacement of all windows with double glazing.	No objection.
22/03462/HHD	Halcyon Drift Hixet Wood, Charlbury	Renovation works to include erection of two storey rear extension with adjusted ground levels and landscaping works.	No objection. The TC welcomes serious plans for renovation of this neglected property. Proposal for energy saving heating system and high levels of insulation is welcome but more detail is required as per Neighbourhood Plan policy NE9.
22/03377/FUL	Ambleside Farm, Ditchley Rd, Charlbury	Change of use of a detached garage with self-contained accommodation above to form a flexible use involving ancillary accommodation or a holiday let	No objection but the TC brings to attention to its Neighbourhood Plan policy ECT4 (Sustainable Tourism) requesting that any usage for holiday lets be subject to conditions relating to the bullet points in that policy. In particular: <ul style="list-style-type: none"> <li>• provision of EV charging point</li> <li>• promotion and support for walking, cycling and use of public transport</li> </ul>

			<ul style="list-style-type: none"> <li>• promotion of the use of local shops, catering establishments and other amenities</li> <li>• promotion of local events and entertainment.</li> </ul>
22/03477/HHD	Whispership Cottage, Hixet Wood, Charlbury	Renovation of existing semi-detached cottage to include two storey rear extension and adjusted ground levels, changes to fenestration and provision of front and side dormer windows.	No objection. The TC welcomes serious plans for renovation of this neglected property. Proposal for energy saving heating system and high levels of insulation is welcome but more detail is required as per Neighbourhood Plan policy NE9. The extension to Whispership Cottage includes first floor and rooflight windows facing towards Hixet Cottage which is under separate ownership. This could constitute overlooking. The views of the occupants of Hixet Cottage should be sought on this.

**Last 5 mention NE9**

**5b. Planning Outstanding:**

Ref no:	Address:	Proposal:	TC Decision
22/02952/FUL	2 Elm Crescent, Charlbury	Subdivision of existing dwelling to create two dwellings with associated works to include formation of a new access and parking area	No objection
22/03160/FUL	Broadstone Farm, Ditchley Rd, Charlbury	Proposed alterations and change of use of barn for a dwelling, landscaping works and associated operations	No objection
22/02970/LBC	Redding Wyck House Market Street Charlbury	Internal and external alterations to replace existing sash windows within northeast (front) elevation.	No objection
22/03025/HHD	13 Hill Close, Charlbury	Single story rear extension (resubmission of 22/01681/HHD)	No objection
21/03936/FUL	Whistler, Fowler Rd, Charlbury	Demolition of existing stables. Erection of self-contained unit ancillary to the existing dwelling	Comment

**5c. Planning Decisions:**

Ref no:	Address:	Proposal:	Decision
22/02996/HHD	The Old Fire Station Browns Lane, Charlbury	Installation of doors in rear elevation of first floor bathroom to form Juliet balcony	TC -No objection WODC - Approved
22/02876/FUL	The Cottage, Dancers Hill, Charlbury	Erection of single storey side and rear extension to existing garage	TC -No objection WODC - Approved
22/02779/LBC & 22/02601/HHD	Ivy House, Church Lane, Charlbury	Formation of natural swimming pond within garden (amended plans).	TC -No objection WODC - Approved
22/03150/HHD	Tulip Tree House, Church St, Charlbury	Erection of a single storey rear extension	TC - No objection WODC - Approved
22/03094/FUL	Griffin House, Market St, Charlbury	Conversion of Griffin House and Griffin Cottage to create one single dwelling and associated works to include removal of lean-to extension to reinstate garden area	TC - No objection WODC - Approved

Meeting closed: 21.33

## Appendix 1

Explanatory statement by chair of planning committee:

We will consider the Rushy Bank section 73 application first this evening as we have members of public present with an interest in that application. However, before we start, I would like to make a further statement of clarification relating to this specific application. Firstly, the application before us is a section 73 request for variations to conditions applicable to an existing permission. If this S73 application were to be refused the existing permission would remain in place. Therefore, discussion of the validity of the development as approved is not pertinent to our discussions here. We are concerned only with the condition variations requested within this S73 application – whether we believe them to be policy compliant and whether the proposed changes would increase or decrease harms to the environment. Secondly, the existing scheme approval and signing of the associated S106 legal agreement predate the adoption of the Charlbury Neighbourhood Plan in June 2021 and the policies of that plan cannot be retrospectively applied to the approved scheme. However, this restriction does not apply to the changes requested in the S73 application and if we judge that the changes themselves fail to comply with the NP or would increase the harms to the environment covered by the NP then we should say so.

## Appendix 2

### 22/03294/S73 Land South of Forest Road

Seeking variation to conditions 2, 3, 6, 7, 8 and 12 of permission 15/03099/FUL

Charlbury Town Council **does not object** to this application but makes observations and requests as follows.

**Planning Context – Charlbury Neighbourhood Plan:** Although the existing permission (15/03099/FUL) pre-dates the adoption of the Charlbury Neighbourhood Plan (CNP) in June 2021, the CNP is now a made plan and its policies aims and objectives form part of the policy context against which changes proposed by this application must be judged. We regret that the covering letter and Ecological Management Plan (October 2022) accompanying this application, both of which seek to define the planning context, make no mention of the CNP. We acknowledge that in many respects the aims of the development align well with CNP policies and objectives but the very sensitive location of the site within the Cotswolds AONB and the Evenlode Valley together with its proximity to a Conservation Target Area (CTA) and ancient woodland bring the Natural Environment policies NE1, 2, 3, 4, 5, 6 and 8 of the CNP into play when considering the impact of proposed changes. Matters of specific concern are covered in detail below.

**Ancient Woodland – Buffer Zone:** The revised plans designate a 5 metre buffer zone along the western boundary with the adjacent ancient woodland. Although this buffer zone size is in line with the approved scheme, it remains well short of the 15 metre minimum specified within the guidance from Natural England and the Forestry Commission. If the 5 metre buffer is to be deemed adequate then further measures should be required by condition to minimise and mitigate harms to the ancient woodland which is defined as "irreplaceable habitat". CNP policies NE5 and NE6 and the supporting text are relevant here. The additional conditions should include:

- Gardens and curtilages of proposed dwellings must not extend into the buffer zone. Current plans must be corrected to make this clear.
- Permitted development rights should be curtailed for properties bordering the buffer zone to exclude the construction of ancillary buildings or other structures within 15 metres of the boundary of the woodland. In requesting this condition, we are particularly cognisant of the

importance of the soil structures, seeds, fungal networks etc. established over the years within the ancient woodland.

- Inclusion of additional tree planting and habitat generation in mitigation for the actual and potential loss of habitat caused by the development and felling of trees. See our further comments below under Biodiversity and Trees.

**Visual Impact:** The Landscape & Visual Impact Assessment (LVIA) associated with the approved scheme emphasises the importance of the ancient woodland copse on the western boundary of the site in blocking views to the west (paragraph 4.7). The removal by felling (under licence) of the poplars within this copse invalidates this assertion so that CNP policy NE2 (protecting important views) becomes relevant. However, following a visual inspection we are satisfied that the site remains shielded from view from the west by existing hedgerows except through a small gap in the hedge in the north-west corner of the site. We therefore request the following conditioned measures:

- Additional hedge planting in line with CNP policy NE5 and paragraph 7.3.12 to plug the gap at the north-west corner of the site as identified above.
- Additional planting within the open space in the north-west of the site and elsewhere within the development site, to mitigate the loss of cover from felling of the poplars and in recognition of the fact that the hedges safeguarding the views protected by CNP policy NE2 lie outside the control of the developer. See also our further comments under Biodiversity & Trees.

**Biodiversity and Trees:** The development site lies adjacent to an important Conservation Target Area and in line with CNP policy NE5 every effort should be made to ensure that there is no detrimental impact on the integrity and biodiversity of that area. CNP paragraphs 7.3.5 to 7.3.12 supporting policy NE5 provide detailed guidance for such situations including advice on species for new planting (paragraph 7.3.12). We note and welcome the inclusion of an area of open space to the north-west of the site to be enhanced for wildlife and not developed. (Ref: paragraph 3.7.9 of the Ecological Management Plan dated October 2022). However, we note that the proposed planting identified in plan diagram 21\_235\_D01P for this area does not wholly conform with the CNP guidance identified above. In addition, we believe that further planting is required as indicated above under “Ancient Woodland – Buffer Zone” (final bullet point) and “Visual Impact”. We therefore request the following conditioned measure:

- New planting and habitat creation within the open space to the north-west of the site and elsewhere within the site is carried out in line with the guidance provided by CNP paragraphs 7.3.5 to 7.3.12. This to include the additional new planting identified above under “Ancient Woodland – Buffer Zone” (final bullet point) and “Visual Impact”.

**Surface Water Drainage:** Management of surface water drainage is an important matter for this development and condition 7 of the existing permission addresses this matter in detail. This S73 application seeks to vary this condition with reference to a report dated May 2022. Regrettably, this important report is not accessible on the WODC planning portal and despite repeated requests, the town council had not had sight of it at the time of preparing this response. Consequently, we cannot comment on, or support the request to vary condition 7 at this time. (Note: two documents listed on the portal as the drainage report are in fact the construction traffic management plan). We therefore request:

- The Surface Water Drainage Report dated May 2022 be made available to the town council and further time permitted for the town council to comment on this matter with particular reference to policy NE8 of the CNP.

**Light pollution:** We note that the modified plans for many of the dwellings include roof lights which could be a source of light pollution contrary to CNP policy NE4. Paragraph 7.2.9 of the CNP states that “... new

*lighting should avoid casting light into areas where it is not needed*". We therefore request the following condition to be included in any approval:

- If roof lights are to be installed in any dwellings, then measures must be included to prevent light pollution from internal artificial lighting to comply with CNP policy NE4.