



Minutes of a meeting held remotely of Planning and Licensing Committee held on Wednesday, 8 February 2023.

Councillors present:

Ray Brassington (Chair)

Stephen Hirst

Sue Jepson

Julia Judd

Patrick Coleman (Vice-chair)

Andrew Maclean

Dilys Neill

Gary Selwyn

Clive Webster

Officers present:

David Morren, Interim Development Manager

Amy Hill, Planning Officer

Caleb Harris, Democratic Services

Ana Prelici, Democratic Services

164 Apologies

Apologies were received from Councillor Mark Harris.

165 Substitute Members

There were no substitute members.

166 Declarations of Interest

Councillor Dilys Neill declared a pecuniary interest in the application at the land at Templis Broadwell, as the applicant was her husband.

Members highlighted that they knew all knew Councillor Dilys Neill from her role as chair of the council, and questioned whether they needed to declare this interest. The Interim Head of Legal advised that this is for each member to decide. Councillors Patrick Coleman and Clive Webster both declared non-pecuniary interests in this regard.

167 Minutes

The Committee requested that the list of councillors present be amended to highlight the chair and vice chairs.

RESOLVED: To approve the minutes with amendments.

168 Chair's Announcements (if any)

There were no Chair's Announcements.

169 Public questions

There were no Public questions.

Members discussed the addition of Public questions. It was highlighted that this item was previously a standard agenda item, and that members of the public could attend to ask any questions pertaining to the Committee, provided they were not about a specific application for determination.

The Chair invited any Member who had further questions to get in touch with themselves or Democratic Services.

170 Member questions

There were no Member questions.

171 Item No 01 - Templis Broadwell Moreton-In-Marsh

Having declared pecuniary interest in the application, Councillor Dilys Neill left the room at this point.

The Planning Case Officer introduced the item.

The applicant, Mr. William Neil then made a statement on the item;

“Templis was built 100 years ago on top of a sloping triangular plot. To the North of the house is a driveway, and a boundary hedge. The garden is all to the south and west of the house at the eastern end of the drive is a turning area which is about 8 metres in diameter. While this was adequate for small vehicles in use a century ago, it does not provide room for larger vehicles in use today, such as delivery vans.

If we have one visiting car parked in the drive, even the post van does not have room to turn. This means that many vehicles have to reverse in or out of the driveway which exists near two bends on the Oddington Road. To the left as you exit the driveway, traffic enters the 30 mile an hour zone for the village about 40 meters from the house, and vehicles often come round the corner at speed. The visibility is only slightly better on the other side, with traffic coming in either direction. Over recent years, the volume and speed of traffic have increased dramatically. The road is well used by cyclists, horse riders, pedestrians, farm and general traffic and so the current access to our property presents a hazard, as many road users may suddenly come up on the vehicle reversing in or out of the drive.

The public benefit of this application is clear in terms of improved safety, not just for vehicles entering or exiting our property, but all users on the Oddington Road. The Officer suggests that we create a turning area to the west of the house. This would require the removal of two apple trees planted when the house was built, along with some other trees and lawn. This

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would adversely affect the setting of the lawn, giving a more urban appearance as it's viewed from the lane. The current holly hedge is overgrown with brambles on the field side but is clearly a native hedge. Our new hedge would be a mixed native species around a reused metal estate fence and would have a more agricultural appearance. We'd use gravel for the enlarged turning areas and we're not planning any additional lighting. We'd like to plant a strip of meadow inside the hedge, keeping the width of the current gravel drive. We'd keep some of the existing holly trees as well as the healthy apple tree on the new piece of land and remove the tree which has fallen into the hedge. We have no intention of building on the land and are happy to comply with any conditions about these matters which the officer and committee see fit to include, should permission be granted. We would also not be using this area for recreation."

The ward member then made a statement on the application, but first declared that they knew the applicant from their local church, as well as knowing the applicant's wife from the District Council.

"The officer's report refers to potential harm to the AONB and cites several relevant policies within the Local Plan and NPPF to illustrate this. These concerns are shared by the landscape officer; however, that officer was unable to visit the site and has made their recommendation based solely on maps and plans. This is unfortunate as the setting is key to understanding the context.

As per the report, Policy EN2 refers to Design of the Built and Natural Environment: this application includes no plans for any built form and in fact the applicant has confirmed that any agreement to purchase the land will include – at the request of the vendor – a covenant expressly forbidding any type of building to be constructed on the site. The applicant is happy to have a similar condition placed on any potential approval by CDC.

Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside). The application relates to a strip of overgrown, 'vegetated field margin', which represents barely half of 1% of the immediately adjacent surrounding fields (approximately 9 hectares). The proposal is to utilise roughly 10% of this strip of land for a turning circle; this is intended to alleviate serious highways safety concerns. The proposed turning circle will be shingle laid over a sand base, exactly mirroring the existing driveway of which it will become a part. The application does not represent in any way, a 'significant detrimental impact' on the natural landscape.

It should be noted that the sloping nature and mature planting of the gardens to the South and East does not offer an alternative for such an area. In fact, a much larger area of green space would be lost, as the application utilises the existing widening of the driveway to help facilitate the turning circle.

The existing driveway has no lighting, and none is planned for this additional space. Dark skies will not be affected.

No extra traffic will be created by the addition of this land and the current level of 'tranquillity' will be unchanged.

The unutilised land will be sown with wildflowers and apart from a 'border' fence, as prescribed by the vendor, will be little changed from its current state. The land does not fall within the Broadwell Conservation Area and none of the trees in the vicinity have TPO's.

The officer has noted that any potential border hedging should be of a mixed native species, rather than a uniformly beech hedge, as currently shown on the proposed plans. Again, the applicant would happily accept this as a condition.

Policy EN5 deals specifically with development within the AONB. The current dwelling has existing gardens to the South of the plot and as such the proposed area will not be utilised for recreational use, with no introduction of ornamental planting, domestic structures, entertainment spaces, lighting, or any other domestic paraphernalia. In short, the land will appear unchanged to observers from nearby footpaths.

NPPF paragraph 176 notes that for the AONB, 'The scale and extent of development within all these designated areas should be limited'. Given this application proposes no built form, no domestication, and minimal groundworks for just 10% of the area, it clearly satisfies the criteria for limited development.

The Parish Council have raised no concerns over this application, and no neighbours or residents have stated any objection to the proposal. Given these clarifications, I would ask that the committee proposes to permit this application."

Member Questions

Members asked whether it would be possible to apply any conditions that would require the hedgerow to be retained and prevent development, including lighting. Officers advised that whilst the Committee can apply a condition in regard to landscaping, this would only apply for the duration of 5 years after the planting of the wildflower meadow. Officers stated that the residential curtilage of the site would not be extended, so this would limit permitted development rights but not prevent the placing of residential paraphernalia by future residents. Officers explained that conditions on lighting could be placed by the Committee.

Members asked about the species of hedge currently, and whether a future hedge could be conditioned to enhance biodiversity. Officers advised that the current hedge, comprised of predominantly holly, be replaced with a mix of species if the application was permitted by the committee.

Members also asked whether the proportionality of the change was a material consideration they should consider when making this decision, as members stated this seemed a relatively small change with a small harm to the visual amenity of the site. Officers advised that the size was irrelevant if members considered that there was a harm to the Area of Outstanding Natural Beauty (AONB).

Member Comments

Some members had already visited the site, through their existing connection with the applicant's wife. Members therefore discussed whether it would be appropriate to conduct a site inspection briefing, to ensure consistency. This was proposed by Councillor Selwyn, and seconded by Councillor Coleman.

RESOLVED: That a site inspection briefing was not needed

Voting record; For 2, against 4, abstain 2

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Members discussed that the main consideration of the proposal was the impact on the AONB, and that a mixed hedgerow would be an improvement to biodiversity, and therefore outweigh the potential damage as well as having a positive impact on highway safety.

The reason for the officer recommendation to refuse the application was impact on the AONB. Members discussed that some any potential impact on the AONB could be mitigated by conditions applied to landscaping, lighting and domestic paraphernalia, and that the benefits of increased highway safety would outweigh the damage to the AONB.

Members highlighted that the usage of roads had changed over recent years, having become more dangerous through heavier and bigger cars, and a perceived rise in intentional speeding combined with more cyclists.

Councillor Clive Webster proposed to approve application subject conditions related to the following, the specific wording of which was delegated to the Interim Development Manager:

1. No lighting be installed, to afford protection to dark skies and the AONB.
2. A landscaping scheme for the wildflower area and native mixed hedging, which is to be planted outside of nesting season to prevent impacts on birds.
3. No domestic paraphernalia, to prevent visual clutter.
4. Details of any replacement fencing to be approved by the Council.

Councillor Julia Judd seconded the proposal.

RESOLVED: That the Committee permit the application, subject to the conditions above.

The conditions were reviewed and permission issued after the meeting.

Voting record; For 5, Against 3, Abstain 0

172 Sites Inspection Briefing

No site inspection briefing was needed.

173 Licensing Sub-Committee

As there were no items on the agenda, the meeting of the Licensing Sub-Committee on the 22nd of February would be cancelled.

The Meeting commenced at 2.00 pm and closed at 3.00 pm

Chair

(END)