

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

18th August 2014

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

I4/0683/P/FP Freelands Farm Westwell	
Date	09/05/2014 15/05/2014
Officer	Mrs Kim Smith
Recommendation	Provisional Approval
Parish	WESTWELL
Grid Ref:	422615,210019

Application details

Erection of equestrian centre to include stables, indoor manege, grooms accommodation, outdoor manege, landscaping and creation of an all weather gallop. Change of use of associated land to equestrian.

Applicant

Freelands LLP C/O Agent

OCC Ecologist's comments have been received;

The District Council, as Local Planning Authority, needs to assess the ecological aspects of the application in line with NPPF and local policies on ecology and check that they can discharge their legal duties in relation to protected species and biodiversity under the Habitat Regs and the NERC Act.

I have the following comments, but there may be further issues that would be picked up through further thorough assessment that we do not have the resources to provide. I recommend that the District Council seek their own ecological advice on this proposal.

I have no objection, subject to conditions. If you are minded to permit, please attach the following conditions and informatives:

Conditions

1. No works shall be carried out other than in accordance with Chapter 5 (Conclusions and Recommendations) of the approved Phase 1 Habitat Survey (June 2014, Ecoconsult)

Reason: to ensure the protection of flora and fauna and to ensure that the development does not result in the loss of biodiversity.

2. If works do not commence within one year of the date of consent, or of the latest updated surveys approved in writing by the Local Planning Authority, then no works of site clearance, demolition or construction shall take place unless or until an updated survey for badgers (to include details of species & population present, potential impacts and how impacts will be avoided and mitigated, compensation and enhancement measures) has been submitted to and approved in writing by the Local Planning Authority. Any works must be carried out in accordance with the approved scheme. Reason: to ensure the protection of species as surveys are valid for 12 months.

3. No works of site clearance, demolition or development shall take place unless or until a scheme for the protection of trees, hedgerows and hedgerow trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include fencing to delineate the buffer zones and prevention of disturbance to soil levels within 1.5 times the canopy/ root spread of the tree / hedgerow or British Standard 5837 (2012 Trees in Relation to Construction Design & Demolition, whichever is the greater. The fencing shall be designed to enable large mammals to cross the site but clearly delineate the buffer zone and prevent machinery/storage within these areas. The fencing shall be erected, retained and maintained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in the area protected and the ground levels within these areas shall not be altered. Upon completion of development and removal of all plant, equipment and surplus material the fencing shall be removed off site. No work shall take place other than in accordance with the approved scheme. Reason: To ensure that flora is protected from the effects of development and to ensure the development does not result in a loss of biodiversity

4. No works of site clearance, demolition or construction shall take place unless or until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- creation of a lake with biodiversity built into the design
- new hedgerow planting
- existing hedgerows to be enhanced and managed for conservation
- new woodland planting

It shall include species mix (species should be of local provenance and appropriate to the local area), plant size, planting layout & spacing, and methods of establishment for the new planting. Any scheme that is approved shall be implemented in the planting season immediately following the approval in writing of that scheme.

Reason: to ensure the development results in no loss of biodiversity and biodiversity enhancement

Informatives

- If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

- All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

- All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
a) to impair their ability –

- i) to survive, to breed or reproduce, or to rear or nurture their young, or
- ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

The habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

The survey submitted with the application explains that the hedgerow trees may provide roosting sites for bats, but that these hedgerows and trees would be retained in the development. I have recommended that a condition is applied that requires a buffer zone around these habitat features. If this condition is applied I consider that this would be a sufficient avoidance measure to ensure that no offence is committed. Therefore, I consider that the application would not have an adverse impact upon protected species provided that the hedgerows and trees are retained and protected with a buffer zone.

However, the District Council as Planning Authority is responsible for carrying out the assessment under the Habitat Regulations and must ensure that they are confident that the offence avoidance measures are sufficient.

14/0891/P/FP Rear of 8 - 10 Market Square Witney	
Date	16/06/201425/06/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	435564,209717

Application details

Change of use of a storage building and covered storage area to provide space for Community Projects.

Applicant

Mr Easy Chalmers C4 New Yatt Business Centre
New Yatt
Witney
Oxon
OX29 6TJ

Statutory Consultees

OCC Highways – *“The proposal if permitted will not have a significant detrimental effect on the local road network. No objection.”*

14/0902/P/FP 30 Home Close Carterton	
Date	17/06/201427/06/2014
Officer	Miss Miranda Clark
Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	427641,206911

Application details

Erection of single storey rear extension.

Applicant

Oxfordshire County Council Joint Commissioning Team
4th Floor
County Hall
New Road
Oxford
OX1 1ND

Statutory Consultees

OCC Highways – “no objection”

Suggested Conditions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of the Town and Country Planning Act 1990.

That the development be carried out in accordance with plan No(s) 9113/SL01a, 9113/PL04a & 9113/PL06a..

REASON: For the avoidance of doubt as to what is permitted.

The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

14/0930/P/FP 56 Moorland Road Witney	
Date	13/06/201401/07/2014
Officer	Miss Miranda Clark
Recommendation	Grant, subject to conditions
Parish	WITNEY
Grid Ref:	434985,210022

Application details

Alterations and conversion of roof space to include dormers to front elevation (to allow conversion of garage to additional living accommodation and erection of link to existing dwelling) (Part Retrospective).

Applicant

Mr R C H Oddy Christmas Cottage
West End
Combe
Oxon OX29 8NP

Statutory Consultees

OCC Highways – “no objection”

Suggested conditions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of the Town and Country Planning Act 1990.

That the development be carried out in accordance with plan No(s) 9113/SL01a, 9113/PL04a & 9113/PL06a..

REASON: For the avoidance of doubt as to what is permitted.

The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

The extension and additional accommodation hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would adversely affect the existing and proposed dwellings' residential amenities.

14/1037/P/FP 30 Stoneleigh Drive Carterton	
Date	16/07/2014 16/07/2014
Officer	Miss Miranda Clark
Recommendation	Grant, subject to conditions
Parish	CARTERTON
Grid Ref:	427577,208319

Application details

Erection of two flats with new access and associated works.

Applicant

Mr & Mrs T Pritchard 30 Stoneleigh Drive
Carterton
Oxfordshire
OX18 1ED

Statutory Consultees

Town Council – “Council objects to this application on the basis that there is insufficient and conflicting information to enable a decision to be reached;

- The map presented is clearly out of date when compared with a more recent map of the site
- There are questions over land ownership that need clarifying before Council can consider supporting the application.

Representations

One letter received from the residents of Manor Road and Manor Road Management Company Ltd. The comments have been summarised as;

- Our first objection relates to access to the site. The application states that “a new vehicles access will be provided to the site via Manor Road, previously approved under 12/0314/P/FP.” However, the planning decision for this states under the Notes to Applicant that “the grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.”

As such, we would like to inform you that the applicant does not have permission to use Manor Road for vehicle access to this, or any other property. The only vehicle access over Manor Road is for the residents of 2-7 Manor Road.

Manor Road Management (Carterton) Company Ltd does not, and does not plan to, give permission for any additional vehicle access across this land. We also will not give permission for any construction traffic to pass over Manor Road.

There has also been no approach by the agent/property owner to gain permission for access to this development.

Although the Highways Agency has not registered any objections, we would query this decision. To grant access to this site via Manor Road would cause the loss of parking provision for 7 Manor Road, loss of bushes and other plants from this property and some loss of a public footpath. The proposed turning area on the plans is also of concern. This is over an existing public footpath that runs from the end of Manor Road into Stoneleigh Drive. We feel it would be unadvisable to allow vehicles onto an existing footpath.

Our second objection relates to the use of the land. The land to the North of the property was open public land in the past; this has been fenced in by the property owner in recent years. It may be the case that this land should still be for public use and not for development.

We would like to ask that this application is denied with regards to the above objections and as the parking situation at Stoneleigh Drive is already beyond capacity and two additional dwellings would only exasperate this problem. There is no chance that the new dwellings would be able to use the proposed parking spaces.

14/1041/P/S73 I - 106 The Buttercross Witney	
Date	26/06/2014/17/07/2014
Officer	Mr Phil Shaw
Recommendation	Provisional Approval
Parish	WITNEY
Grid Ref:	435416,208898

Application details

Variation of condition 35 of Planning Permission 11/1198/P/FP to allow demolition and construction works and associated activities audible beyond the boundary of the site shall only be carried out between the hours of 0730 to 1800 on Monday to Friday, 0800 to 1300 on Saturdays except for the zone of the site highlighted pink on the attached plan where Saturday working can only be carried out between the hours of 0800 to 1600, but at no times on Sundays or Bank Holidays.

Applicant

Bower Mapson Limited Willow House
7 The Avenue
Stanton Fitzwarren
Swindon
Wiltshire
SN6 7SE

Statutory Consultees

WODC EHO – Having considered the factors in this application I consider it acceptable but recommend that a noise control condition is applied to eliminate more problematic noises as follows;
During construction work on Saturdays between the hours of 1300 and 1600 there shall be no on-site use of tracked heavy plant or portable entertainment radio/CDs.