

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th August 2017

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Report of Additional Representations

Application Number	I7/00889/FUL
Site Address	I Police House Hixet Wood Charlbury Chipping Norton Oxfordshire OX7 3SA
Date	3rd August 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Parish Council
Grid Reference	435819 E 219330 N
Committee Date	7th August 2017

Application Details:

Demolition of existing Police House and adjacent garages. Erection of 8 cottages with access from Hixet Wood.

Applicant Details:

Mr Nathan Craker
Apollo House
Mercury Park
Woodburn Green
HP10 0HH

Additional Representations

OCC Highways

An amended formal consultation response was received on Monday 31st July from OCC Highways raising no objection to the proposed development. This response is included in full below:

The response is summarised below:

No objection subject to conditions.

The proposed access road, pedestrian access, and drainage facilities will not be adopted by the Local Highway Authority.

On 23 June 2017 I recommended objection to this application on the grounds of the lack of an appropriate drainage plan, the shared space area of the access road being only 4.8m in width and therefore not suitable for adoption as public highway, and the levels of some of the footways in the development being too steep to be adopted as public highway.

Regarding surface water drainage, I originally recommended objection on the grounds that Oxfordshire County Council cannot adopt an attenuation tank that is built and located underneath an adoptable highway, and because the applicant had not shown that the tank was of an appropriate size to allow the site to drain safely. On 28 July 2017 I received Plan No. 5587:P01-B which shows that the pipes to the attenuation tank of an appropriate size to allow the surface water to drain from the site. The applicant also confirmed that they do not intend to offer the access road or the drainage system for adoption as public highway, and that both will be maintained by the applicant. Therefore, subject to the applicant demonstrating that they have the appropriate permission to allow surface water to drain into an ordinary watercourse south of the site, I am prepared to withdraw my objection on these grounds.

On 20 July 2017 I also received Plan No. 17 PHC SP07-E, together with an accompanying e-mail from the applicant which stated that, although they intended to seek an agreement with the Local Highway Authority under S278 of the Highways Act 1980 to build a bell-mouth access to adoptable standards, the access road beyond the bell-mouth will be a private road so will not be constructed to adoptable standards. They have also confirmed that the second pedestrian access south of the main vehicular one will not be offered for adoption. Therefore, although it is still my view that any shared space area should be a minimum of 6m in width to allow vehicles and pedestrians to move safely within the development, and that some of the levels will make it difficult for those with mobility issues to move around within the development, the road and pedestrian access will not be offered for adoption so I withdraw my objection on these grounds.

The access road is 4.8m in width, which is sufficient to allow two cars to pass each other safely. Due to the location of the refuse collection point, refuse vehicles will not need to enter the site. There are also hardstanding areas outside houses and behind parking spaces that can be used as pedestrian refuges if required.

WODC Ecology

A full response has been received from the Councils Ecologist; this is included in full below. Officers recommend attaching the suggested conditions, should members be minded to approve the application:

General

The application site is an area of undeveloped land to the rear of 1 and 2 Police Houses. Part of the application site is the associated garden to number 1 Police Houses, but the remainder of the site is not considered to be within the domestic curtilage of the property. Indeed, there is no mention of this in either the DAS or the Planning Statement. It is referred to as a "backland site", as it is inaccessible to the public.

The DAS and Planning Statement confirms that ecological mitigation and enhancement measures recommended in the PEA will be implemented.

The habitats within the site do not comprise priority habitat, but the mature trees and scrub are identified as having ecological value, particularly as part of the stream corridor.

No Phase I Habitat Map of the site was included in the Preliminary Ecological Appraisal, which is a significant omission from a report submitted for planning permission. This would have provided a full picture of the existing site in combination with the tree survey and site photographs included in the DAS, Planning Statement and Heritage Statement. It would have pinpointed where mature trees with potential for roosting bats are located, which would have allowed direct comparison with the tree survey and the proposed site plan (retained trees identified). At the moment I am uncertain what trees should be retained, so I have advised below that all mature willow trees should be retained or retained as standing deadwood habitat.

The main issue is the retention of the Crack willow trees either as they are or as standing deadwood, which have high ecological value. No veteran trees are mentioned in the ecological survey report or the arboricultural survey report, but some of the more mature willow trees could potentially be assessed as veteran trees with several features that could be used by roosting bats. Their arboricultural value may not be significant (most are identified as being category U), but their ecological value should be recognised. I would therefore recommend that the retention of additional willow trees within the southern area of retained open space be explored further and submitted as part of detailed landscaping proposals required as a condition of planning consent. This would be an important part of the biodiversity mitigation and enhancement measures.

Bats and great crested newts

The ecological technical update on bats (dated 28th June 2017) is considered to be satisfactory and is sufficient for the purposes of determining the application.

An environmental-DNA survey of the ponds has been carried out and the results were negative for great crested newts. No further surveys are required.

The trees surveyed contain no obvious potential roost features for bats, although several willow trees had split limbs, no cavities were observed. It is recommended that if any of these trees require felling that they are inspected by a tree surgeon with a bat licence and an endoscope survey carried out where necessary. As above, I have recommended that these trees be retained wherever possible either as they are or as standing deadwood – or as a minimum, habitat piles of the timber. Bat boxes should be erected on retained trees to replace potential roosting opportunities and as a biodiversity enhancement of the site. Details of bat boxes and the results of tree surveys should be submitted for approval as a condition of planning consent.

Bat boxes should also be integrated into some of the proposed new dwellings on the south-facing elevations (or southwest/southeast). This would be a biodiversity enhancement and details should be submitted for approval.

Birds

6 swift boxes/bricks are shown on the proposed landscaping drawing, but I recommend that additional integrated bird boxes for house sparrows and starlings should also be incorporated within the new buildings. Details should be submitted for approval as a condition of planning consent.

Management of open space

I note that section 5.52 of the Planning Statement states that the site would be “... significantly enhanced by tidying up the scrub and woodland, enhancing the landscaping...” – this appears to suggest that the retained open space to the southern edge of the application site would be ‘tidied up’ as an amenity for the residents rather than for wildlife. The management of this space therefore needs to be carefully considered with a dual purpose for creating an ecologically-valuable area for wildlife and an attractive amenity space for people. This can be achieved. I therefore recommend that a long-term Landscape and Ecology Management Plan (LEMP) should be submitted for approval as a condition of planning consent.

Hedgehog Homes

The proposed landscaping drawing currently shows Hoglio boxes in the hedgerow along the western boundary of Plot 4, which I recommend is inappropriate due to long-term management and retention of these homes. I therefore recommend that the location is altered to the southern boundary hedgerow or other suitable location within the public open space rather than garden boundaries. This can be confirmed as part of the LEMP required as a condition of planning consent.

Tree planting

Native tree planting within the retained southern stream corridor area should be a priority, but I note that some ornamental silver birches are proposed on the landscaping drawing. This should be amended as part of the landscaping details required as a condition.

Lighting

I also recommend a sensitive lighting strategy should be submitted for approval as a condition of planning consent to ensure that light spillage into the southern stream corridor area is minimised.

1. Legislation, Policy and Guidance Considerations

All relevant legislation, policy and guidance considerations have been taken into account as part of this response, including the following:

- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010 (as amended)
- Countryside and Rights of Way Act 2000 (as amended)
- Natural Environment and Rural Communities Act 2006
- Protection of Badgers Act 1992
- Hedgerow Regulations 1997
- ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System
- National Planning Policy Framework – paragraphs 7, 9, 17, 109 and 118
- Planning Practice Guidance (how development can affect biodiversity and how biodiversity benefits can be delivered through the planning system)
<http://planningguidance.communities.gov.uk/blog/guidance/>
- West Oxfordshire Local Plan 2006 policies NE13, NE14 and NE15
- Natural England Standing Advice

2. Conclusion

Additional ecological mitigation and enhancements can be approved as conditions of planning consent rather than further amended plans before determination. A key component of the mitigation proposals is a LEMP for the long-term management of the stream corridor, retained trees (and standing deadwood poles), species-rich wildflower meadow grassland, native hedgerows and other habitats (e.g. proposed pond).

With the effective implementation of the ecological mitigation, compensation and enhancement measures both recommended in the PEA and in my comments above, I am satisfied that the proposed development would have minimal biodiversity impact.

3. Conditions

a) Works to be carried out in accordance with submitted report

The development shall be completed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal dated 17th February 2017 prepared by ACD Environmental and the Ecology Technical Update: Bats dated 28th June 2017 by ACD Environmental. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure that reptiles, badgers, nesting birds, amphibians, bats, hedgehogs and trees are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

b) Landscaping scheme

No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, including the creation of a pond, stream corridor planting, native hedgerow planting, native tree planting (including 2 heavy duty standard oak trees and the replacement of non-native specimens), wildflower meadow creation using a locally characteristic and appropriate seed mix, and a 5-year maintenance plan. The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations.

The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.

If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

c) Artificial roosting/nesting sites for bats and/or birds

Before development takes place, details of the provision of integrated bat roosting features and nesting opportunities for birds (House sparrow, Starling and Swift) into the new buildings shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011 and Section 40 of the Natural Environment and Rural Communities Act 2006.

d) Lighting strategy for biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" [and in particular to reduce light spillage into the southern stream corridor area with potential for use by roosting/foraging/commuting bats] shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts; and*
- ii. show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), policy

NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

e) Landscape and Ecology Management Plan

A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map*
- ii. Landscape and ecological trends and constraints on site that might influence management*
- iii. Aims and objectives of management*
- iv. Appropriate management options for achieving aims and objectives;*
- v. Prescriptions for management actions;*
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period)*
- vii. Details of the body or organisation responsible for implementation of the plan;*
- viii. Ongoing monitoring and remedial measures;*
- ix. Timeframe for reviewing the plan; and*
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Additional Details

Further to comments received from the Councils Ecologist, the applicants have provided a revised Ecology Survey, Landscape Management Plan and Landscape Plan.

Application Number	I7/00829/FUL
Site Address	I Hill Rise Woodstock Oxfordshire OX20 1AA
Date	4th August 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Woodstock Parish Council
Grid Reference	444077 E 217764 N
Committee Date	7th August 2017

Application Details:

Erection of two dwellings with associated access and landscaping

Applicant Details:

Apella Property Developments Ltd
C/O Agent

Additional Representations

Officers have received an amended set of elevation, drawings, site plan and a heritage impact assessment from the applicant. Officers will provide members with a full verbal update at committee.

Application Number	17/01607/HHD
Site Address	145 Main Road Long Hanborough Witney Oxfordshire OX29 8JZ
Date	4th August 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	442794 E 214328 N
Committee Date	7th August 2017

Application Details:

Erection of single storey side extension. (Retrospective)

Applicant Details:

Mr And Mrs A Edwards
145 Main Road
Long Hanborough
Witney
Oxfordshire
OX29 8JZ

Additional Representations

Following the Officers Committee report dated 26th July 2017 it has come to light that there were still two inconsistencies between the 'As Built' plans submitted and what has been constructed on site. Therefore, Officers visited the site, measured the extension again (including the two details which were missed the first time) and instructed the architect to submit amended plans to reflect these changes. Officers are now content that the amended plans submitted reflect the as built development.

In light of this, Paragraph 5.1 of the report should be amended as follows:

5.1 This application seeks retrospective consent for 'as built' modifications made to previously approved application 16/01440/HHD for the erection of single storey side extension at 145 Main Road. The site is not within any special designated areas of control. The submitted drawings show an increase in the height of the extension from 2.65m as approved to 2.8m as built. The height to eaves has not increased and has been built in accordance with the approved plans to 2.2m. The increase in 15cm is on the roof 'hat' due to the required roof insulation. In addition, the eaves have been constructed so that they protrude an additional 220mm from the extension than previously approved. Application 16/01440/HHD was approved by officers under the scheme of delegation and it has come to light post the decision that the property next door, No. 147 Main Road, was shown incorrectly on the submitted site plans. However, an on-site assessment was made by the officer at the time which enabled them to gain an accurate understanding of the actual relationship between the two properties before making a full assessment and making the decision to approve the application. It appears that No. 147 Main Road is shown correctly on the plans submitted for this application. This application has been brought to members for consideration at the request of Councillor Reynolds.

Application Number	I7/01565/FUL
Site Address	Blenheim Palace Blenheim Park Woodstock Oxfordshire OX20 1PX
Date	4th August 2017
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Blenheim Parish Council
Grid Reference	444122 E 216054 N
Committee Date	7th August 2017

Application Details:

Alterations to provide hard standing to parking area.

Applicant Details:

Mr Richard Bowden
The Estate Office
Blenheim Palace
WOODSTOCK
OX20 1PP

Additional Representations

Woodstock Town Council OBJECTS to this application under Section BE11 which protects landscapes.

Application Number	17/01651/FUL
Site Address	Westwick 66 Over Norton Road Chipping Norton Oxfordshire OX7 5NR
Date	4th August 2017
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Over Norton Parish Council
Grid Reference	431473 E 227932 N
Committee Date	7th August 2017

Application Details:

Erection of 1.4 metre high close-boarded fence. (Part Retrospective).

Applicant Details:

Mr Richard Yapp
Westwick
66 Over Norton Road
Chipping Norton
Oxon OX7 5NR

Additional Representations

William John Howse, Michael and Sarah Kettlewell and Nicola Watson have commented as follows:
May I register my objection to this fence;

My wife and I wish to object to the obtrusive and inappropriate paling fence. The rural nature of the valley between the town and village has been degraded by this ugly fencing;

The fence is unsightly, out of keeping and unsympathetic to the surrounding landscape. It creates a barrier to wildlife species. It is unnecessary as Over Norton Road is in a quiet, rural area which is naturally shaded by trees. The imposition of a manufactured barrier detracts from the beauty of this area and so impacts adversely on the enjoyment by local inhabitants and visitors to the area. The fence represents an invitation for graffiti which is already evident in the village.

Application Number	17/01937/FUL
Site Address	27 Hensington Road Woodstock Oxfordshire OX20 1JH
Date	3rd August 2017
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444833 E 216864 N
Committee Date	7th August 2017

Application Details:

Change of use from domestic to car park associated with church meeting room (amended).

Applicant Details:

Archdiocese Of Birmingham
The Presbytery
142 Oxford Road
Kidlington
OX15 1DZ

Additional Representations

Mr Sheppard, occupant of 30 Bear Close made the following comments in relation to the amended plans:

The recent amendment to the overflow car park layout as shown in the architect's diagram 2A17-1538-SK24A does not address my, and my neighbours' fundamental concerns of loss of amenity, reduction of security and the disproportionality of the amount of car parking that should be necessary for a meeting room for a small church that does not even have its own dedicated priest.

While the reduction of the number of additional parking spaces (towards zero) is welcomed, the revised plan does little to ameliorate the detrimental effects of additional vehicle and foot traffic in a quiet residential area.

In particular:

- 1) No mention has been made of the use of a quieter surface material than gravel.
- 2) The erection of a timber post and rail fence between T and V on the plan will do nothing to improve our and our neighbours' security or to reduce noise levels. A better solution would be a substantial solid fence or, preferably, hedge, at least 6' in height along the line V-T-Y. This would provide effective screening and some noise absorption. It would also enclose an area that would be of benefit to wildlife and could be gated to allow access for maintenance.
- 3) If this amended plan were to be approved, it would be a simple exercise, at a later date, to apply for permission to extend the parking back to that specified on the original application. My fundamental objection to the need and appropriateness of this development remain.

Additional Representations for Agenda Item 9 – Entrance to Charlbury Station

The complainant in respect of the sign has commented as follows in respect of the report:
So that you are aware if you present this to committee, as you appear to be doing, on the basis that this sign may benefit from deemed consent even though it exceeds the maximum permitted size under Class I, a fact you have failed to mention in your paper, and that discontinuance action might therefore somehow be appropriate, and without advising councillors of the possibility to enforce through the removal process laid down in section 225A of the Town and Country Planning Act 1990 without a court prosecution, I will not consider the complaint resolved.

Councillor Liz Leffman has commented as follows:

I first raised the sign with Giles Hughes back in 2015 when it first appeared. I asked if it planning consent had been given and I was told that deemed consent applied in this case. I'm therefore quite surprised to see this coming to a committee. However, I do think this offers the opportunity to review whether the sign is in the right place and to ask Apcoa to move it if applicable. I contacted Giles in the first instance because I thought that the sign did not enhance the environment of this historic station. The station has been carefully preserved by GWR and new structures such as the bridge to the second platform have been carefully planned to blend in as much as possible. In my opinion the sign contravenes Local Plan policy BE5 and emerging Local Plan policy EH7, in that it does not enhance the character and appearance of the area, having been placed without the care given to previous changes. I recognise that this is subjective and I would suggest that the only way for members to ascertain whether the sign is in keeping with policy is for them to undertake a site visit. I would like to propose that they do that before making a decision.

A second concern is that the sign performs no really useful function in its present position, as no-one can read it without either stopping their car on the roundabout that leads to the station, or parking their car and walking back to it. But in any case there is no pavement in front of the sign so people reading it would have to stand in the way of traffic. In fact I have never seen anyone attempt to read the sign at all! If the sign were to be relocated closer to the station building and away from the main road, I would have no objection. As a reference, the sign at the station car park in Hanborough is set well back from the road on a set of railings, and is quite inoffensive while at the same time being accessible on foot.