

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
UPLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 5 August 2019.

PRESENT

Councillors: Jeff Haine (Chairman), Geoff Saul (Vice-Chairman), Richard Bishop, Mike Cahill, Nathalie Chapple, Nigel Colston, Julian Cooper, Derek Cotterill, Merilyn Davies, Dave Jackson and Alex Postan.

(# Ex-officio, Non-voting)

Officers in attendance: Abby Fettes, Chloe Jacobs, Sarah Hegerty and Amy Barnes.

16. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 1 July 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

17. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Andrew Beaney and Ted Fenton #. There were no temporary appointments.

18. DECLARATIONS OF INTEREST

Councillor Cotterill advised that that he had an interest in application 18/03403/FUL – Olivers Garage, Long Hanborough because the applicant was known to him.

There were no other declarations of interest from Members or Officers relating to matters to be considered at the meeting.

19. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management, giving details of applications for development, copies of which had been circulated.

A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book and published on the Council's website.

(In order to assist members of the public, the Sub-Committee considered the applications in which those present had indicated a particular interest in the following order:-

19/01077/FUL, 19/01622/FUL, 18/03403/FUL, 19/01305/FUL.

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

RESOLVED: That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

3 18/03403/FUL Olivers Garage, 80-82 Main Road, Long Hanborough

Principal Planner, Abby Fettes, presented the report containing an updated recommendation of approval. In the original report published with the agenda the recommendation had been of provisional approval subject to a resolution regarding viability.

This site had been identified as suitable for development in the Local Plan 2031 under Policy EW7. A previous application received in December 2017 was refused and dismissed at appeal on viability grounds only.

In the update report, circulated prior to the meeting, it stated that since the report was finalised the applicant had agreed to the provision of four units of on-site affordable housing and officers had accepted this offer.

On these grounds, the application was recommended for approval subject to a S106 agreement to secure contributions as detailed on page 3 of the additional report and appropriate conditions.

The Officer recommendation was proposed by Councillor Davies and seconded by Councillor Bishop. Members expressed their gratitude to officers for negotiating with the applicant to provide much needed affordable housing.

At Councillor Postan's request, it was agreed that an informative could be added to the decision requesting the installation of fat traps and the potential provision of electric vehicle charging points.

The recommendation of approval was then put to the vote and was carried subject to the following conditions as detailed in the update report:

- (1) 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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- (2) That the development be carried out in accordance with the approved plans listed below. REASON: For the avoidance of doubt as to what is permitted.

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E,

G and H shall be carried out other than that expressly authorised by this permission. REASON: Control is needed to maintain acceptable residential amenity.

- (4) Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials. REASON: To safeguard the character and appearance of the area.
- (5) The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed. REASON: To safeguard the character and appearance of the area.
- (6) Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details. REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- (7) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- (8) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on Main Road including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times. REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- (9) Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, car parking and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling, the access, car parking and turning areas for that dwelling shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- (10) No dwelling shall be occupied until cycle parking space(s) to serve that dwelling have been provided according to details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development. REASON: to ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- (11) Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack. REASON: To encourage residents to use sustainable modes of transport as much as possible in line with the NPPF.
- (12) Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- (13) A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the

Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- (14) Development shall not commence until a foul water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. REASON: To ensure adequate means of disposing of foul water and to avoid pollution.
- (15) No development shall take place until a Badger Mitigation Strategy (in line with the recommendations in the Extended Phase I Habitat Survey report March 2019 by Lockhart Garratt) has been submitted to and approved in writing by the Local Planning Authority. The approved Strategy shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA. REASON: To ensure that badgers are protected in accordance with the Protection of Badgers Act 1992, Circular 06/2005, the National Planning Policy Framework (in particular section 11), Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- (16) The development shall be completed in accordance with the recommendations in Section 6 (apart from 6.3) of the Extended Phase I Habitat Survey report dated March 2019 and the Bat Survey Report dated May 2017 (Version 2, ref. 17-0064) both prepared by Lockhart Garratt. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently maintained. REASON: To ensure that amphibians, reptiles, badgers, bats, nesting birds and hedgehogs 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), Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- (17) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) with a biodiversity Chapter has been submitted to and approved in writing by the local planning authority. The CEMP Biodiversity Chapter shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
 - ii Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), particularly for bats (including removal of roof tiles and felt by hand before demolition),
 - iv. nesting birds, badgers, reptiles, great crested newts and hedgehogs;
 - v. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - vi. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vii. Responsible persons and lines of communication;
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
 - ix. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
 - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works. The approved CEMP Biodiversity Chapter shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. REASON: To ensure that amphibians, reptiles, badgers, nesting birds and hedgehogs and hedgerows are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- (18) A report prepared by a professional ecologist or similarly competent person certifying that the required mitigation and/or compensation measures identified in the CEMP Biodiversity Chapter have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval. REASON: To ensure that amphibians, reptiles, badgers, nesting birds and hedgehogs and hedgerows are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and

Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- (19) Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall 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 and other nocturnal wildlife. 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 foraging/commuting bats, badgers and other nocturnal wildlife 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), Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- (20) A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include boundary treatments, a full specification of habitats to be created, including hedgerow and tree planting using locally native species of local provenance and locally characteristic species, recognised wildlife friendly ornamental/non-native species planting and gaps underneath fences or holes through walls to allow the passage of hedgehogs; and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained. REASON: To safeguard the character and landscape of the area and to provide biodiversity enhancement in accordance Local Plan Policy EH3, paragraphs 170-175 of the NPPF and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- (21) 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 locations shown on a site map;
- ii. Appropriate management options for achieving aims and objectives;
- iii. Prescriptions for management actions;
- iv. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- v. Details of the body or organisation responsible for implementation of the plan;
- vi. Ongoing monitoring and remedial measures; and
- vii. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development. The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity in accordance with the NPPF (in particular section 11), Local Plan Policy EH3 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- (22) Before the erection of any external walls, details of the provision of at least 10 no. integrated (i.e. built-in) bat boxes/bricks/tubes and at least 10 no. integrated bird boxes (e.g. house sparrow terrace, swift bricks) shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained. REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 170 - 175 of the NPPF, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- (23) No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area. REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- (24) No development, apart from demolition works, shall take place until a site investigation has been undertaken and the findings have been made available to the local planning authority. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been Identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To ensure any contamination of the site is identified and appropriately remediated.

- (25) Prior to above ground works commencing, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. Mitigation measures shall be identified for any dwelling affected by noise from the A4095 such that it would not conform with the desirable daytime and night time levels set out in BS8233/2014 of internal noise levels in living rooms of 35dB LAeq 16- hour (0700 to 2300hrs) and in bedrooms of 30 dB LAeq 8-hour (2300 - 0700hrs). No dwelling shall be occupied until any measures relevant to it have been carried out as approved. REASON: To ensure the creation of satisfactory living conditions in the dwellings.

Permitted

11 19/01077/FUL 39 Witney Road, Long Hanborough

The Planning Officer, Chloe Jacobs, introduced the application and reminded Members that the application had been deferred at the meeting on 1 July 2019 to allow a site visit to be undertaken and to enable interested parties to attend and voice their concerns.

The site visit was undertaken on Wednesday 31 July 2019.

In the update report it was noted that an additional letter of support had been received.

The applicant, Luke Carter addressed the meeting in support of the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

In response to concerns raised by Councillor Davies, the planning officer explained that the new building would replicate the existing dwellings and reminded Members that the site had been identified in the Local Plan as suitable for housing.

The Officer recommendation was proposed by Councillor Postan and seconded by Councillor Bishop. In seconding the proposal, Councillor Bishop complemented Mr Carter on his presentation and agreed that there was a need for one bedroom accommodation in the District.

Following a query from Councillor Chapple, the Planning Officer clarified the distances from the road to the front of the nearest dwelling and described the shared, external amenity space.

Following a suggestion from Councillor Cotterill, it was agreed that the applicant could be encouraged to locate the bin store underneath the staircase.

Councillor Cooper stated that he would not be voting in favour of the application as, in his opinion, the site was slightly over intense and failed on Policy OS4.

At Councillor Postan's request, it was agreed that an informative could be added to the decision stating that there would be an expectation to install fat traps.

Overall, Members agreed that there was a need for one and two bedroom properties and therefore, the recommendation of grant was put to the vote and was carried.

Permitted

24 19/01305/FUL The Heyes, Churchill Road, Kingham

The Planning Officer, Chloe Jacobs, introduced the application and informed Members that an additional pre-commencement condition had been proposed by WODC Drainage. This was detailed in the update report.

The officer also signposted members to the comments relating to the Area of Outstanding Natural Beauty (AONB) and advised that officers were satisfied with the advice provided regarding flooding.

Councillor Colston expressed concern that applicants of this type could result in the fragmentation of villages, with farmland being subdivided into plots, destroying the natural landscape.

In response, the Chairman felt that the site was sheltered and would not be seen from the road.

Councillor Bishop clarified that the site could not be used in the future for human habitation.

The Officer recommendation was proposed by Councillor Bishop and seconded by Councillor Postan.

The recommendation of grant was then put to the vote and was carried.

Permitted

31 19/01622/FUL 31 Oxford Road, Woodstock

The Planning Officer, Sarah Hegerty, introduced the application and informed Members that there were no updates since the original report was published.

The applicant, Jorje Granja addressed the meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer highlighted the varied build lines within the vicinity of the application site and the mature boundary treatments surrounding the development.

It was noted that the application had been progressed to Committee due to an objection from Woodstock Town Council, which stated that the development was too large. Councillor Cooper advised that despite being a member of the Town Council, he did not concur with this opinion.

The Officer recommendation was proposed by Councillor Cooper and seconded by Councillor Saul, who agreed that the proposal fitted well into the surrounding area.

It was agreed that an informative could be added to the decision requesting the installation of fat traps and encouraging the inclusion of renewal energies, solar panels and electric vehicle charging points.

Members noted that conditions would be included to ensure approval of building materials and the retention of two mature trees on site.

The recommendation of grant was then put to the vote and was carried unanimously.

Permitted

20. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers was received and noted.

The Principal Planning Officer, Abby Fettes, outlined the section of the report detailing three Appeal Decisions recently determined.

Ms Fettes advised that with regards Application 17/01670/FUL, Land north of Woodstock Road, Stonesfield, the appeal had been dismissed and she reported the Inspector's reasons for reaching this decision. Members noted that this was the last of the appeals relating to areas of land originally allocated for housing in the Local Plan, but subsequently removed.

Following a query from Councillor Bishop, officers advised that should the applicant wish to counter the appeal decision, the next step would be to refer the matter to the Secretary of State.

The appeal decisions at Kingham (18/02350/FUL) and Charlbury (18/02769/FUL) were also noted as being dismissed and Members took the opportunity to thank officers in the Planning Team for their work and dedication on these matters.

RESOLVED: That the report be noted.

The meeting closed at 3.06 pm

CHAIRMAN