

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
Held in the Council Chamber at 2.00 pm on **Monday, 20 June 2022**

PRESENT

Councillors: Richard Langridge (Chair), Michael Brooker (Vice-Chair), Colin Dingwall, Harry Eaglestone, Ted Fenton, Andy Goodwin, Nick Leverton, Charlie Maynard, Lysette Nicholls, Elizabeth Poskitt and Andrew Prosser

Officers: David Ditchett (Senior Planner), Esther Hill (Planner) and Kelly Murray (Senior Planning Officer), Michelle Ouzman (Strategic Support Officer) and Anne Learmonth (Strategic Support Officer).

67 Minutes of Previous Meeting

The minutes of the meeting held on 23 May 2022 were approved and signed by the Chair as a correct record.

68 Apologies for Absence

Councillor Dan Levy substituted for Councillor Alaric Smith who sent his apologies.

69 Declarations of Interest

Declarations of Interest were received as follows:

- Councillor Nick Leverton knew the applicant for 21/01924/S73 - Right Side Unit B The Old Foundry and stated he would leave the room whilst the application was heard.
- Councillor Nick Leverton knew the applicant for 21/03834/FUL - 10 Burford Road Carterton and stated he would leave the room whilst the application was heard.

70 Applications for Development

The Chair, Councillor Langridge changed the order in which the applications would be heard, to:

- 1 - 22/00723/FUL Land West Of Ferndale New Yatt Road
- 2 - 21/01924/S73 Right Side Unit B The Old Foundry
- 3 - 21/03834/FUL 10 Burford Road Carterton
- 4 - 22/00947/FUL Brooklyn Nurseries 65 Shilton Road

22/00723/FUL Land West Of Ferndale New Yatt Road

The Planning Officer Esther Hill introduced the application for the erection of 2 detached and 3 terraced houses together with associated garaging, car parking and landscaping works. Alterations to existing accesses.

Councillor St John addressed the committee, stating the main issue was surface water drainage, which is via a water pipe beside Green Lane. Since the Bellway development, water rushes down Green Lane. This has become a main concern, as Green Lane is a popular route used by villagers. Section 278 would assist the issue with sewage and blockages and request the County Council to address this. There were no clarifications.

The Chair asked planning officers if the surface water could be addressed.

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The Planning Officer confirmed that in 2018 the application was approved, drainage was assessed and consulted upon. As for the blocked drain in Green Lane the Oxfordshire County Council (OCC) officer did say that he would pass on the concerns raised to the relevant teams to be investigated.

The Chair requested that this information be noted so it would not be lost.

Councillor Leverton noted Thames Water had no comments to make, he was concerned that they had no comment to make as councillors were genuinely concerned about drainage issues, could we not make a condition to address the drainage issue.

The Planning Officer suggested Informatives would be the best way to address the issue, there were no changes to the application that had been approved before, but lapsed in time. Bellway application was dealt with separately and again all third parties were consulted on and were discharged on completion.

The Chair agreed with Councillor Leverton and noted that third parties don't always give the Council full details of assessments. This application was a previously approved application with no changes.

Councillor Fenton asked when the application was first approved was it delegated approval?

The Planning Officer confirmed that the original approval was a delegated decision. The Parish Council had raised issues and these were addressed and therefore it went to delegated decision.

Councillor Fenton raised that in point 5.25 of the report, section 278 could be negotiated by OCC with the applicant. Could we strengthen that condition with a should be rather than a could be?

The Planning Officer stated that section 278 is not part of the planning application, it's a separate agreement between OCC and the applicant.

The Senior Planning Officer David Ditchett added that section 278 is a legal agreement with the highways authority OCC and the applicant. We have to rely on Thames Water as the experts, to give us information, and they have not given any comment, we have gone back to them and raised it again, but still no comment. Planners are not the specialist and cannot force a section 278 agreement without any official reasons from the third party. Mr Ditchett concluded that the Planning Officer will advise the applicant to contact OCC to discuss section 278 agreement.

Councillor Dingwall suggested that grey water tanks could be put in like the EU Belgium have as its used to collect rainwater and used to water the gardens etc.. moving forward could we not request these or something like it.

The Planning Officer explained that at the moment they do not have the sustainable policies in place, to request these, but also as it is a preapproved application with no changes it would be unreasonable for the Council to request additional measures. Mr Ditchett advised that when applications are received for new dwellings within the Lowlands area, that officers always seek for sustainable drainage measures to be in place.

Councillor Prosser stated Thames Water won't comment on developments that are less than 10 houses, the 0.2% capacity figure that Thames Water quote, refers to capacity of what? More information is required. Mr Ditchett was able to confirm that Thames Water have commented on less than 10 houses before, but what warrants comments he was not sure. He would ask Thames Water the question re the 0.2% capacity, and get back to the committee.

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Councillor Fenton queried the value of condition one have where re submission after 3 years. Mr Ditchett confirmed it was the trigger point to begin development.

Councillor Eaglestone proposed the acceptance of the officers recommendation, this was seconded by Councillor Brooker, it was duly put to the vote and was carried, and therefore

Resolved for delegated planners approval with additional Informatives:

Sustainability Informative

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

S278 Informative

The LPA have concerns regarding drainage issues and the impact/damage this has caused within Green Lane. It is strongly suggested that the applicant enters discussions with OCC regarding a potential Section 278 agreement, relating to drainage improvement and repair works within Green Lane.

21/01924/S73 Right Side Unit B The Old Foundry.

Councillor Levertton left the Chambers.

The Planning Officer Kelly Murray introduction the application for a variation of Condition 3 of application 18/01411/FUL (Change of use from Car Sales/Motor home Hire to Boxing and Fitness Gym/Motor home Hire (Retrospective)) - Extension to permitted business hours, Mon-Fri 6am - 9pm and Sat-Sun 8am - 4pm.

Harriet Healey spoke in support of the application, a copy of the submission is attached to the original copy of these minutes.

Councillor Levy requested clarification of detail on noise issues, Harriet Healey confirmed that voices and punch bag noises, were the main noise issues, and confirmed that the punch bag had been recited onto a fixed beam. Councillor Fenton asked about the level of music, Harriet Healey confirmed that music was on low and not excessive and confirmed that other industrial units, next to the site, also played music all day.

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Councillor Brooker asked how many were on site at capacity, Harriet Healey stated that no more than 20 at any one time would be on site, but often occupancy was one to one.

The Planning Officer continued with her presentation and referred members to late representation, in which neighbours had stated that there was no increase in noise whilst the gym was open and no problem with parking and that therefore they have no objections to the planning application.

Originally there were conditions placed on the premises, restricted hours and matting on the floor to reduce the noise travel, but there have still been complaints.

The planning officers did request a noise report from the applicant, however the results do not show what was in the gym at the time of the analysis, or if it was done at peak time or what activities or equipment was being used at the time. As permission was originally given for use as a community gym, an increase in hours might allow the use to expand as a commercial business in the future and it was necessary to try and find ways to protect neighbour amenity. Applicants have said they are not adverse to a personal permission.

Councillor Fenton confirmed the site was in his ward and that he was constantly being contacted with complaints about parking around the businesses of the area, which was not just this site, but neighbouring premises too. He was pleased to hear that the punch bag had been moved. If personal permission was possible, and as long as it does not become commercial occupancy, and does not exceed 20 in occupancy at any one time if that's viable, could there be extra conditions, and informative to encourage applicants to sound proof. Councillor Fenton also asked for confirmation of extended hours. The Planning Officer confirmed an extension of day time hours may be acceptable, however officers would not recommend further extension of hours into the evenings and weekends on the basis of the information provided to date. Planners could grant a personal permission.

Councillor Dingwall wanted to congratulate the applicants on the service they were providing and suggested that applicants look at community facility grants available from WODC, and asked that they had support and advice re the grants which would help retain the community status, helping to ensure it does not turn into a commercial gym. Councillor Poskitt agreed with this approach, suggested that Saturdays would be a better approach rather than Sunday to be in line with the other businesses. Planners stated that Sundays were in the original application which was agreed as they were not aware at the time noise would become an issue.

The Chair agreed if a balance could be struck for weekends it would benefit neighbouring residents.

Councillor Brooker stated he agreed that parking was out of the applicants' control as there were other businesses on site, and that should not have an influence on the decision, he supported a personal permission. Councillor Goodwin agreed and suggested a limit on the number of years that the permission runs, so it can be reviewed. The Chair agreed and asked if a temporary permission could be granted. The planning officer confirmed it was possible but suggested that this might not give the applicants the certainty they required for investing in the operation. Councillor Maynard wondered if the committee could ask the owners if they would prefer Saturday or not. Councillor Dingwall suggested Saturday opening in line with other business on site, and no Sundays. On this occasion the Chair thought it would be useful to ask, the applicant confirmed that they would be happy with Saturdays 8am to 4pm and it was mostly only one person that ever used the gym for a couple of hours on a Sunday. Councillor Levy thought that the community gym was a fantastic, exercise is good for your health, and suggested Environmental Health moving forward should get involved if there were further noise issues.

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The Planning Officer also suggested that the authority could request that the layout of the gym be approved before any changes occur, and anti-vibration matting could be looked at.

Councillor Nicolls proposed that the Sunday opening hours be substituted by Saturday hours in line with the other business operating hours 08:30 to 16:00, it should be a personal permission, restricted to maximum of 20 at any one time occupancy, layout approval by the authority and anti-vibration matting should be looked at, this was seconded by Councillor Fenton. This was duly put to the vote and was carried unanimously, therefore

Resolved approved for planners delegated decision with additional conditions:

- The use of the premises as a boxing gym facility shall be confined to the area marked in blue on plan X. It shall not be open as a boxing gym facility outside the following hours: -
07:00 to 20:30 on Mondays to Fridays;
08:30 to 16:00 on Saturdays.

REASON: To safeguard living conditions in nearby properties.

- To the extent that this permission allows an extension of hours for use of that part of the premises which is a boxing gym, the use hereby permitted shall be carried on only by Tom Brennan and/or Harriet Healey.

REASON: The intensification of use hereby permitted has the potential to cause increased noise and other disturbance to nearby residents but is considered acceptable based on the particular circumstances of the named applicants.

- Training equipment, weights and boxing punch bags shall be used in the premises in locations in which noise and disturbance to nearby residents is minimised. An internal layout plan showing the current location of this equipment shall be submitted to the Local Planning Authority within one month of the date of this permission. Thereafter any relocation of the punch bags or the addition of further equipment (including punchbags) within the premises which is likely materially to increase noise or vibration shall be subject to the prior written approval of the local planning authority.

REASON: The building is not purpose-built as a commercial boxing training facility and certain use of the equipment may cause increased noise and disturbance to the detriment of nearby residents.

- Occupation of the boxing gym during the additional hours hereby permitted (07:00 to 18:30 on weekdays and 11:30 to 16:00 on Saturdays) shall be limited to 20 people at any one time.

REASON: To minimise noise and disturbance to nearby residents and parking congestion arising from the intensification of the use hereby permitted.

INFORMATIVE: The Local Planning Authority would encourage the applicants to investigate the options for installing upgraded anti-vibration matting in order to minimise harm to the amenity of nearby residents.

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21/03834/FUL 10 Burford Road Carterton

The Senior Planning Officer David Ditchett introduced the application for demolition of existing bungalow, and erection of six 2 bed flats together with associated parking and access. The planning officer did comment that originally when the application came in, it was for eight flats, then reduced to seven, and now to six.

The Senior Planning Officer demonstrated to members how planners could assess loss of light impacts when reviewing applications with neighbouring properties

A submission from Mr Richard Turner was read out in his absence, which was against the application, a copy of his submission is attached to the original copy of these minutes.

Conditions placed for obscure glazing, acoustic fencing could mitigate noise, assess as moderate harm to neighbour for noise and loss of sunlight. Following the planning application presentation, the planning officer concluded with recommendation of approval.

Councillor Dingwall asked if a condition could be placed on the rear landscaping height, the Senior Planning Officer confirmed that yes a condition could be placed to limit the height of landscaping. He was also concerned about the pitch and height of the roof, the Senior Planning Officer confirmed the height of the proposed buildings.

Councillor Brooker was concerned about the effect on sunlight hours, parking numbers and landscaping. The planning officer confirmed 1.25 hours, loss of sunlight ,however it depends on the date you are assessing, parking has not decreased since the decrease of the number of flats, and landscaping design would need to be agreed upon.

Councillor Poskitt stated sunlight in the winter is less anyways, she was also concerned about the proposed room sizes and the narrow width of the lane to the carpark.

Councillor Fenton proposed a site visit, seconded by Councillor Poskitt, duly went to the vote and was carried.

Resolved that application is deferred for site visit which was set for Monday 18th July 2022.

22/00947/FUL Brooklyn Nurseries 65 Shilton Road.

Councillor Leverton returned to the Chambers.

The Senior Planning Officer David Ditchett introduced the application and informed the committee that originally planners recommending refusal. However the applicant has submitted revised the plans, which need to be consulted on, therefore planners are now asking for this application to be deferred to enable this consultation to take place.

Refusal was recommended and the Parish Council was not objecting. As officer recommendation was contrary to the views of the Parish Council, it was before the committee for a decision. As we are consulting the Parish Council again, it may be that their views change and this application may not come before the committee.

Councillor Fenton proposed that the application be deferred as per late representations report and planning officers advice, this was seconded by Councillor Nicolls. The proposal was duly put to the vote.

Resolved the application be deferred for planners to consult with the Parish Council and neighbours regarding the revised plans.

71 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications determined under delegated powers was received, questions were asked about the following items:

Item 18 - Councillor Prosser asked when this application came forward the Parish Council requested more information on car parking. The Senior Planning Officer confirmed the extra information request was relayed to the agent, information was provided, reported back to the Parish Council, they then were satisfied and had no further objections and therefore application was approved.

Item 28 – Councillor Levy asked if change of use is a planning application, the planning officer confirmed that yes change of use typically requires planning consent.

Item 36 – Councillor Fenton queried the code, The Senior Planner was able to confirm that it means an environmental impact assessment. It's a significant piece of work for larger developments.

The Chair asked where planning were on latest appeals, the Senior Planning Officer was able to confirm that there were a couple of public enquiries going on at the moment which the appeals team were very busy on. Appeals team have not yet pulled a report together but members can go on-line appeal planning inspectorate website, you can filter appeal decisions by WODC and a list will appear. However by the next committee a report will be published.

The Meeting closed at 3.40 pm

CHAIR