

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 6 June 2022 commencing at 2.00 pm and finishing at 3.20 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair
Councillor Richard Webber (Deputy Chair)
Councillor Yvonne Constance OBE
Councillor Imade Edosomwan
Councillor Mohamed Fadlalla
Councillor Stefan Gawrysiak
Councillor Judy Roberts
Councillor David Rouane
Councillor Les Sibley

Other Members in Attendance: Councillor Dan Levy (for Agenda Item 5)

Officers:

Whole of meeting Cameron MacLean & David Mytton (Law & Governance);
David Periam, Strategic Infrastructure and Planning)

Part of meeting Mary Hudson, Strategic Infrastructure and Planning

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with [a schedule of addenda tabled at the meeting] [the following additional documents:] and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports [agenda, reports, and schedule/additional documents], copies of which are attached to the signed Minutes.

29/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence were received from Councillors Snowdon, Bloomfield, and Bennett.

30/21 DECLARATIONS OF INTEREST

(Agenda No. 2)

The Chair noted that, regarding the role of Councillors as Corporate Parents responsible for Looked after Children (LAC) and children in care homes, it was appropriate for Members of the Committee to register a non-pecuniary and non-prejudicial interest. In so doing, the Chair noted that it was a requirement that Planning Committee Members, when considering the application that was before the Committee, to restrict their consideration to the Planning merits of the application.

NOTED

31/21 MINUTES

(Agenda No. 3)

There was one amendment to the minutes, as follows –

Item 22/22 Apologies for Absence and Temporary Appointments

Councillor Sibley asked that, having sent his apologies for absence for the meeting on 25 April, that this be recorded in the minutes.

Subject to that amendment, the Committee approved the minutes of the meeting of 25 April 2022 and authorised the Chair to sign them as a correct record.

32/21 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Representations had been received from the applicant and Councillor Dan Levy, Divisional Member for Eynsham, in respect of Item 5 on the agenda.

33/21 CONSTRUCTION OF A SINGLE STOREY DWELLING FOR USE AS A CHILDREN'S HOME WITH ASSOCIATED EXTERNAL WORKS TO FORM A NEW ACCESS ON TO BACK LANE, ASSOCIATED LANDSCAPING, BOUNDARY TREATMENT AND CAR PARKING.

(Agenda No. 5)

The Committee considered a report by the Assistant Director for Strategic Infrastructure and Planning regarding proposals to construct a new six-bedroom single story dwelling to be used as a children's home providing supported accommodation for four children of secondary school age and two members of staff who would stay on site overnight.

Councillor Webber, Deputy Chair, noted that Oxfordshire County Council ("the Council"), as the Planning Authority, was being asked to grant planning permission in respect of an application by the Council. For the benefit of Members of the Committee and Members of the Public, he asked if the Council's Legal Officer could provide clarification on the role of the Committee in determining this application.

Mr David Mytton, Legal Officer, stated that the relevant statutory provisions allowed the Council, along with District Councils, to decide planning applications submitted in their name. Accordingly, when considering such applications, it was incumbent upon Members of the Planning Committee to restrict their consideration of the application to the Planning merits of the application.

Mary Hudson, Principal Planning Officer, Strategic Infrastructure and Planning, presented the report that was before the Committee.

In response to Member's questions, officers provided the following information.

- (a) Regarding an objection to the application by Thames Valley Police (TVP) on the grounds of security, a proposal to increase the height of a section of fencing had resulted in TVP withdrawing the objection.

- (b) Referring to Paragraph 11 of the report regarding construction materials, it was standard practice with new buildings to include a planning condition requiring samples of the materials to be used to be provided for approval.
- (c) Children resident at the home would travel to and from school on a school coach. Paragraph 77 of the report noted that there was a bus service from Aston to Witney and Carterton, and a school coach taking children from the village to the school in Witney. It was officers' understanding that the children, under the supervision of the on-site staff, would walk from the home to a pickup and drop-off point for the school coach.
- (d) Regarding direction signs for drivers visiting the home, notably the number of specialists required to visit the home, officers stated that signage was not an issue that had been raised during consultations on the proposals.

Officers stated that, if the Committee was minded to approve the Planning application, the requirement for appropriate signage could be added as an informative to the conditions of the Planning approval.

- (e) Officers did not have the results of the tree survey immediately to hand. However, from the Plans on display, it appeared that the tree on the left of the proposed driveway entrance to the home was to be retained in which case it could be made a condition of the Planning approval that the tree be the subject of an appropriate Preservation Order.
- (f) In response to a question about whether the construction of the home was to the highest environmental standards, it was noted that Paragraph 91 of the report referred to the Sustainability Statement which had been submitted as part of the Design and Access Statement which listed the design measures which had been incorporated to ensure the building was more energy efficient than the minimum statutory requirements.
- (g) Referring to Paragraph 88 of the report which stated that Aston, Cote, Shifford & Chimney Parish Council had requested, should the application be approved, that there be a condition that the development included a septic tank notwithstanding that Thames Water was of the view that a septic tank was not necessary, and that the development could be connected to the mains sewerage system, it was noted that Thames Water was a statutory consultee.

In response to a proposal that West Oxfordshire District Council (WODC) be consulted on, and its approval be sought to, any sustainable drainage system (SuDS) in relation to the development, officers stated that, if there was a condition on any planning permission requiring consultation on SuDS or any other matter, it was for the relevant Planning Authority to determine the application.

As there were no more questions for officers, the Chair invited the applicant's agent, Ms Hannah Wiseman of Bluestone Planning, to make a presentation to the Committee on behalf of the applicant.

Having heard the representations on behalf of the applicant, the Chair invited Members Of The Committee to ask any questions they might wish to put to Ms Wiseman and the applicant's other representatives present at the meeting.

In response to Members' questions, Ms Wiseman provided the following information.

- (a) Regarding the proposal that a rural location was the best location for children who would reside at the home, it was stated that the home would be a "home from

home” which offered a safe community setting away from locations which might otherwise put those children at risk.

- (b) As the home would be in a conservation area and was required to meet specific service standards and needs, the choice of materials and design had taken these matters into consideration and, in response, the design and planning proposals had gone through several iterations to ensure the security of the home, that it met the highest environmental standards, and was in accordance with the relevant Local Plans, as documented in the papers accompanying the application.
- (c) It was during the pre-planning consultation process that Thames Water had stated it was their view that a septic tank was not necessary for this development.

As there were no more questions for Ms Wiseman, the Chair invited Councillor Dan Levy, Divisional Member for Eynsham, and WODC Ward Member for Eynsham & Cassington, whose written representations were set out in Paragraph 21 of the report, to address the Committee.

At the conclusion of his presentation, and at the invitation of the Chair, Councillor Levy answered several questions by Members of the Committee. In response to the questions to Councillor Levy, officers provided the following information.

- (a) That WODC had not responded to the latest consultation on the revised design proposals did not prevent the Committee from deciding the application.
- (b) The Committee was being asked to decide the application in accordance with the same policies that would be applied if WODC were deciding the application.
- (c) It would be appropriate for the Committee to seek the views of the applicant, regarding the provision of a septic tank.

In response to this last point, Mr Mike Smithers of Beard Construction, on behalf of the applicant, stated that consideration had been given to the inclusion of a septic tank, but this had not been taken further because of the response from Thames Water that a septic tank was not necessary.

Mr Smithers went on to say that, in the hierarchy of foul water drainage¹, consideration had to be given first to connecting to a mains connection [public sewer or a private sewer connecting to a public sewer]. He stated that a septic tank was possible but, unless told otherwise by Thames Water, the hierarchy of foul water drainage required a mains connection.

As there were no more questions for Councillor Levy, the Chair proposed that Members now proceed to debate the application. In the subsequent debate, the following points were raised.

- (a) The views of the Parish Council regarding a requirement for a septic tank should be taken into consideration and made the subject of a planning condition should the application be granted.
- (b) Appropriate signage should be included as an informative on any planning permission that might be approved.
- (c) The application, if approved, would entail a modest encroachment into green space and, as the Parish Council was broadly in support of the application, the applicant should take the views of the Parish Council into account.

¹ [The Building Regulations UK: Part H – Section H1 Foul Water Drainage](#)

- (d) Officers should have an opportunity to see samples of the reconstituted stone before approval was given to the choice of materials to be used.

At this stage of the proceedings, the Chair asked if there was a formal motion before the Committee.

Motion

That the Committee approve the recommendation as set out in the report, as follows -

1. That planning permission for R3.0149/21 be approved, subject to conditions to be determined by the Director for Planning, Environment and Climate Change to include those set out in Annex 1 [of the report]; and
2. Subject to –
 - (i) The proposed planning permission including an informative about providing appropriate signage directing visitors to and from the home to approach the home from the village and not from the road to Witney; and
 - (ii) Approval by officers of samples of the reconstituted stone it was proposed to use in the construction of the home prior to any approval being given to the choice of materials to be used in the construction
[as set out in Annex 3 of the report, *Heads of Condition, Paragraph 13: External materials – submission, approval, implementation*, the detailed wording of the condition to be agreed by officers].

Moved by Councillor Stefan Gawrysiak. Seconded by Councillor Edosomwan.

In the subsequent debate on the motion, the following points were raised.

- (a) The Local Plan stipulated there should be no development [at this location] unless there was an exceptional need, and the present application fulfilled that requirement.
- (b) Anecdotal evidence regarding the technical advice provided by Thames Water about the suitability of a mains connection indicated that such advice was not always reliable. Therefore, the advice from Thames Water should be qualified and provision made for the inclusion of a septic tank, if necessary.
- (c) As Thames Water was a statutory consultee, it may not be appropriate to insist on there being a septic tank contrary to the technical advice provided by Thames Water. Therefore, rather than risk the viability of the project by insisting on the inclusion of a septic tank, consideration should be given to a condition requiring seeking technical advice from a source other than Thames Water.

In response to this proposal, officers suggested it might be possible to include a planning condition requiring the inclusion of a septic tank unless the applicant submitted, for approval, a scheme for foul drainage which demonstrated that a septic tank was not a practicable alternative to a mains connection.

In response to a question by the Committee's Legal Officer, Councillors Gawrysiak and Edosomwan confirmed they were prepared to amend the motion to include a planning condition requiring the inclusion of a septic tank subject to the submission of a scheme for approval for managing foul drainage which precluded the use of a septic tank for practicable reasons, the precise wording of the condition to be delegated to officers.

- (d) In response to a question, it was noted that any right of appeal would ordinarily lie with the applicant. However, as Oxfordshire County Council (OCC) was the applicant in the present case, there was no right of appeal. Furthermore, West Oxfordshire District Council, which had objected to the application, had no right of appeal against the County Council's decision.
- (e) It was proposed that there should also be an informative added to the proposed planning conditions regarding a requirement that the construction of the home meet the highest environmental standards that might be expected.

Councillors Gawrysiak and Edosomwan confirmed their approval to the further amendment to the motion.

The Chair then called for a vote on the motion, as amended.

The votes cast were, as follows:

For:	9
Against:	0
Abstentions:	0

RESOLVED: That the Committee approve the recommendation as set out in the report, as follows -

1. That planning permission for R3.0149/21 be approved, subject to conditions to be determined by the Director for Planning, Environment and Climate Change to include those set out in Annex 1 [of the report]; and
2. Subject to –
 - (i) The proposed planning permission including an informative about providing appropriate signage directing visitors to and from the home to approach the home from the village and not from the road to Witney;
 - (ii) Approval by officers of samples of the reconstituted stone it was proposed to use in the construction of the home prior to any approval being given to the choice of materials to be used in the construction
[as set out in Annex 3 of the report, *Heads of Condition, Paragraph 13: External materials – submission, approval, implementation*, the detailed wording of the condition to be agreed by officers];
 - (iii) A planning condition requiring the inclusion of a septic tank unless the applicant submitted, for approval, a scheme for foul drainage which demonstrated that a septic tank was not a practicable alternative to a mains connection;
 - (iv) The proposed planning permission include a second informative regarding a requirement that the construction of the home meet the highest environmental standards that might be expected.

34/21 RELEVANT DEVELOPMENT PLANS AND POLICIES
(Agenda No. 6)

NOTED

Chair:

Councillor Geoff Saul

Date: