

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWANDS AREA PLANNING SUB-COMMITTEE**

**Date: 15th August 2016**

### **Report of Additional Representations**



WEST OXFORDSHIRE  
DISTRICT COUNCIL

<b>Application Number</b>	<b>Address</b>
I6/01902/OUT	Land North Of New Yatt Road
I6/02062/FUL	86 Spareacre Lane Eynsham
I6/02102/FUL	Stonelea Farm Land To The North West Of Burford Road
I6/02183/FUL	24 Bakers Piece Witney

Application Number	16/01902/OUT
Site Address	Land North Of New Yatt Road North Leigh Oxfordshire
Date	11th August 2016
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	North Leigh Parish Council
Grid Reference	438125 E 213146 N
Committee Date	15th August 2016

### Letter of representation

A letter of objection has been received from Mr and Mrs Veasey. In summary the objection relates to the following issues;

### Wildlife

Our land supports a wide variety of animals who use this corridor. In the last 6 months we have observed the following of particular interest:

- 3 species of deer – fallow, roe & muntjac (including fawns)
- Badgers
- Hedgehogs
- Stoats & weasels
- More common mammals such as grey squirrel, rabbits, voles, mice and other rodents
- A population of barn owls
- Grass snakes including young, other residents have seen adders
- Frogs, toads, various species of newts
- A wide variety of insects including dragonfly, various types of bees in profusion, at least 10 species of butterfly, and various moths.
- A variety of bats including noctule, pipistrelle and long ear
- A huge variety of birds, some relatively rare including: red kite, barn owls as above, kestrels, herons, little owls, green woodpecker, greater spotted woodpecker, cuckoo, swallows, nuthatch, tree creeper, fieldfare and redwing and other less rare birds such as pied wagtail, jays, reed bunting, greenfinch, goldfinch, wild mallard, jackdaw, blue tits, great tits, long tailed tits and coal tits, French partridge, several species of pheasant etc,
- We have watched many of these animals and birds raise young on the land.

In summary going ahead with this building work will block the corridor for these animals between two vital areas of habitation. It is extremely disappointing to destroy their habitat wilfully in this way especially given our efforts to preserve it.

### Infrastructure

It is our view that the transport and infrastructure facilities in the village and surrounding area do not have the capacity to absorb a significant increase in residents as implied in the proposal.

Application Number	16/02062/FUL
Site Address	86 Spareacre Lane Eynsham Witney Oxfordshire OX29 4NP
Date	11th August 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442908 E 209935 N
Committee Date	15th August 2016

An additional letter of representation has been received from Mr King from 86 Spareacre Lane stating;

My original comments/objection was about the sewage drains system and not the surface water element flooding! - this as the gentlemen has said in 20 odd paragraphs will be taken care of by the soak away installed.

I and my neighbours must see the plans of the sewage system before any work starts as the previous history of our drains being blocked on countless occasions over the past 30 years. Please provide the plans for how the waste will be taken care of. Also will the Virgin box be moved to allow easier access for cars? Please confirm and respond

Application Number	16/02102/FUL
Site Address	Stonelea Farm Land To The North West Of Burford Road Brize Norton Oxfordshire
Date	11th August 2016
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	427449 E 210195 N
Committee Date	15th August 2016

The application is to be recommended for **refusal**, as officers are now in receipt of OCC Minerals comments which are objecting to the proposal. Please see below for comments.

Representations received:

Mr Martin Layer of Smith and Sons (Bletchington) Ltd

Launa R. Slatter & PP Lucinda J. Shackleton Quinta Green End Chadlington

I am writing on behalf of Smith and Sons (Bletchington) who are the part owners and operators of Burford Limestone Quarry, Brize Norton (south of the application site) and of Whitehill Limestone Quarry, Burford (north west of the application site). Both quarries are active with long term permitted reserves and produce crushed rock aggregates for construction and agricultural lime.

The land surrounding the application site is identified in the emerging Oxfordshire Minerals and Waste Core Strategy as a principal location for future crushed rock aggregates extraction (Policy M3)-"Burford area south of the A40". The proposed development of a residential property at Stonelea Farm to the north west of Burford Road would have significant implications for future quarrying leading to sterilisation of important limestone resources within nominated areas CR02 and CR07. The residential property would require a buffer zone between the development and future mineral extraction of not less than 100m radius and potentially significantly more in order to protect the amenity of the property. The limestone resources within this area should be safeguarded for future extraction under existing policy SD10 and as carried forward in the new Core Strategy under Policy M8.

These limestone deposits are of long-term strategic importance and represent potential extensions to Whitehill Quarry. The company objects to the above application on the grounds of mineral sterilisation and that it is contrary to the County Councils policy on mineral safeguarding. CR07 is a nominated site within Oxfordshire County Councils Mineral and Waste Development Framework and abuts planning application 16/02102/FUL.

The minerals it contains are a finite natural resource, which need to be safe guarded. They are a County mineral asset and are important in supporting sustainable economic growth. The application

16/02101/FUL in its present position will needlessly interfere with the safeguard and extraction of this resource.

As part land and mineral owners of CR07, please take this letter as an objection to the development and planning application 16/02102/FUL.

### **OCC MINERALS**

Published BGS mapping shows the application site to be within an area that is generally underlain by deposits of limestone, of the Jurassic White Limestone Formation, which form part of a more extensive outcrop of limestone lying to the south of the River Windrush Valley, particularly along the south side of the A40 to the east and west of Burford. The published BGS mapping indicates that these limestone deposits do not outcrop within the application site itself, but they do so within land around the site and it is understood that these mineral deposits continue beneath the site.

The White Limestone is currently worked nearby at Whitehill Quarry, to the north west of the application site, and at Burford Quarry, to the south east. The application site is part of a larger area of land that was nominated to the County Council by the minerals company Smith & Sons as a potential extension to Whitehill Quarry, for limestone extraction, for consideration for allocation in the Oxfordshire Minerals and Waste Local Plan (site nomination CR02). Adjacent land to the west of the application site has also been nominated to the County Council by the owner of that land (supported by Smith & Sons) as a potential extension to Whitehill Quarry, for limestone extraction, for consideration for allocation in the Oxfordshire Minerals and Waste Local Plan (site nomination CR07). Information provided with those site nominations indicates the presence of a significant workable resource of limestone within the application site and adjacent land.

The Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy 2015, which has been submitted for examination, identifies strategic resource areas as locations for mineral extraction (policy M3). For crushed rock, these areas include The Burford area south of the A40. The limestone bearing land within and around the application site lies within this strategic resource area. These limestone deposits are of long-term strategic importance for mineral supply in Oxfordshire.

The proposed development would prevent the working of limestone within the site and could prejudice the working of limestone within adjacent land. Therefore the application should be considered against saved Oxfordshire Minerals and Waste Local Plan policy SD10 on protection of mineral resources. This policy dates from 1996 but it is consistent with the NPPF (paragraph 143, bullet 3). Under policy SD10, development which would sterilise mineral deposits should not be permitted unless it can be shown that the need for the development outweighs the economic and sustainability considerations relating to the mineral resource. Policy M8 of the submitted Core Strategy March 2015, on safeguarding of mineral resources, is similar but specifically includes the crushed rock strategic resource areas in policy M3 as areas that will be safeguarded; this should also be taken into consideration. Mineral safeguarding policy does not appear to have been addressed in the application.

The proposed development would not only sterilise the mineral deposits within the application site but would also be likely effectively to sterilise mineral deposits within adjoining land due to the need there would be for unworked margins (a buffer zone) between any future mineral working and the dwelling in

order to protect the amenity of the occupants of the dwelling. A buffer of at least 100m would be likely to be needed. This would be likely to prevent mineral working not only within land that forms part of Stonelea Farm but also within adjacent land within different ownership, where the owner wishes to promote the allocation of the land for mineral working in the emerging new Minerals and Waste Local Plan. (Whilst the Core Strategy that is currently at examination does not include site allocations; the County Council proposes subsequently to prepare Part 2 of the Minerals and Waste Local Plan, a Site Allocations Document.)

The documents submitted with the application include an appraisal of the need for a permanent agricultural workers dwelling at Stonelea Farm in order to meet the exception criteria in the NPPF (paragraph 55) for new isolated homes in the countryside (i.e. the essential need for a rural worker to live permanently at or near their place of work in the countryside). However, the appraisal does not appear to include an explanation of or justification for the choice of proposed location for the proposed dwelling within the farm holding; neither does this appear to be addressed in the planning statement. An alternative location for the proposed dwelling, such as adjacent to the road, could have a much lesser potential sterilising impact on mineral resources. This does not appear to have been considered.

In the absence of a proper consideration of the importance of the mineral resource within and around the application site in relation to the need for the proposed dwelling, including the effect of possible alternative locations for the dwelling within Stonelea Farm, this application is contrary to policy on mineral safeguarding (as set out above).

Response:

**The County Council objects to the proposed development on the grounds that it is contrary to policy on safeguarding of mineral resources in the adopted Oxfordshire Minerals and Waste Local Plan (1996) – policy SD10 and the submitted Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy (2015) – policy M8.**

Application Number	16/02183/FUL
Site Address	24 Bakers Piece Witney Oxfordshire OX28 1PQ
Date	11th August 2016
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435677 E 210623 N
Committee Date	15th August 2016

### **Highways**

The layout for access and parking as shown on the amended Proposed Site Plan 150201 – P101 – A is acceptable.

I have visited the site on two occasions since my original consultation response.

I have read and noted the comments from objectors however I would not agree that the proposal, if permitted, would cause such harm in terms of highway safety and convenience that would warrant the refusal of a planning permission.

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.

Construction Management Plan to be submitted and approved would be appropriate.

No objection subject to

- G36 parking as plan
- G11 access specification
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details
- Construction Management Plan

### **Biodiversity**

Due to the small scale of the development proposed and the location of the site in an urban area (surrounded on all sides by residential development and roads), it is unlikely that a significant population of reptiles (e.g. slow worms) or hedgehogs would be affected, so it would be unreasonable to request a survey. There are suitable habitats adjacent to the site in neighbouring gardens, so reptiles could be encouraged to naturally disperse from the application site through habitat manipulation measures. If the piles of rubble/debris have already been removed from site, then the grassland should be strimmed down to a short height in phases (50mm, 20mm, 10mm) with at least 2 days in between cuts, to



gradually encourage the reptiles/other animals to leave the site (i.e. the site wouldn't provide adequate shelter anymore). In order to ensure that reptiles/hedgehogs are not harmed during site clearance operations, I would advise that the site is cleared in phases with strimming of the grassland as described before earthworks start. If reptiles or other animals are found they should be removed from harm and if large numbers are found, then advice from a professional ecologist should be obtained.

## INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

### **Conservation consultation response**

Context: A site immediately adjacent to C20 development, but to the rear of Grade II listed buildings, and also in the Conservation Area.

Opinion: I don't think that the principle of this is too problematic from our point of view – this is a fairly nondescript piece of ground, hemmed in by development of various forms, and there does appear to be sufficient space here for the proposed development, of three dwellings. The design is clean, tending towards contemporary, the proportions are fine, the massing is generally traditional – and it all chimes in with the existing adjacent modern development. So, there are no obvious objections from our point of view.

Recommendations: Give consents, with: condition D124 for a sample of the roof tiles; an ad hoc condition for a sample panel of the brickwork; condition D23 for recessed window and door frames (min 75 mm); condition D21 for external joinery details (including details of the porch screens), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed timber and the proposed treatment.

Reasons: Appears compliant with policies BE2, BE5 and BE7.

## **Letters of representation**

A further 39 letters of objection have been received. A large number of comments cover the same issues as previously reported in the main report. The additional comments cover the following issues;

### Highway/Parking and Pedestrian Safety

Bakers Piece cannot take any more traffic  
Increased traffic from delivery vehicles, tradespersons etc  
Not sufficient space for emergency vehicles  
Safety issue for children playing  
Road is unsuitable for heavy plant and lorries  
Access not wide enough for cars  
Nothing has been done to address pedestrian safety  
Bakers Piece has no pavements  
Would be a danger to pedestrians  
What provisions have been made for workman vehicles

### Impact on neighbouring amenity

Houses will overlook the properties in Farmers Close  
Light will be blocked from entering Bakers Piece  
Houses will overlook properties in West End  
Scheme will interfere with privacy  
Parking area would be noisy against neighbouring properties in Farmers Close

### Impact on conservation area and heritage assets

Development will detract from the Conservation Area  
Houses don't match houses in West End  
Loss of garden space in a Conservation Area  
Stone wall has merit  
The site is part of a burgage plot and shall not be built on  
Hedges and trees should be protected in the garden  
Overdevelopment of the area  
Would impact the setting of the listed buildings  
Land is not derelict

### Ecology

Development would be harmful to biodiversity

### Flooding

Development would increase flooding risks

### Other matters

Consultation process has been inconsistent  
Not enough time to comment on amendments  
Development will disrupt residents  
Won't benefit local community  
We pay your wages  
Officer report contradicts itself  
The land may be contaminated  
Development will affect the resident's everyday lives

We don't want any development

Increased noise and dust

Is the Witney Police Service sufficiently manned to cope with the potential increase in criminal activity possibly linked to increasing pedestrian footfall and visitors' traffic?