

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 15th March 2021**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

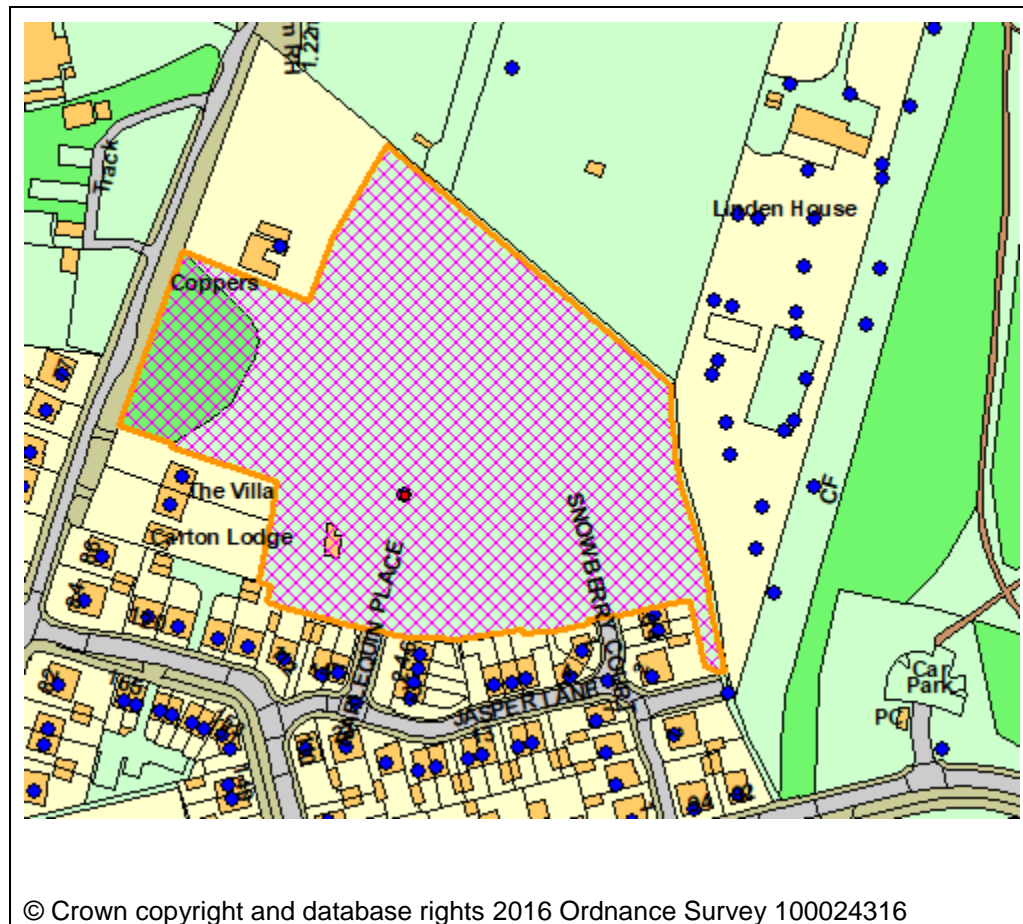
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>
	20/02422/FUL	Land East Of Swinbrook Road
	20/03242/FUL	Lane End House Cross Tree Lane
	20/03306/FUL	Church Farm Church End
	21/00092/HHD	Stone Cottage East End
	21/00185/FUL	79 Milestone Road Carterton

Application Number	20/02422/FUL
Site Address	Land East Of Swinbrook Road Carterton Oxfordshire
Date	3rd March 2021
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427821 E 208512 N
Committee Date	15th March 2021

### Location Map



### Application Details:

Erection of 72 dwellings together with associated access and landscaping works (amended plans and description).

**Applicant Details:**

Burrington Estates (Midlands) Ltd

C/o Agent

**I CONSULTATIONS**

Parish Council

Carterton Town Council: The access to the estate via the two narrow roads will cause problems for the residents and lead to traffic congestion. The issue of water pressure and drainage was raised as a concern due to long standing problems on all new estates in that area. It was suggested that the bollards in Kilkenny Lane be removed and the road widened to enable better access to that part of the town. A lot of people park their cars in those areas in the summer when the car park for the Country Park is full. The traffic plan for the new estate will add to the local congestion.

Major Planning Applications Team

Reconsultation expires 15.3.21

Parish Council

Reconsultation expires 15.3.21

Major Planning Applications Team

Highways  
No objection subject to:  
- S106 Contributions as summarised in the table below  
- Planning Conditions

Drainage  
Objection  
o The old submission which this FRA refers to is outdated, goes back to 2013 which cannot be used.  
o There's no evidence stating that the old site has taken the new site into account in its drainage model and calculations.  
o Some drawings submitted are outdated, goes back to 2013 & 2014.  
o Standalone Drainage strategy needs to be submitted for the proposed development. Drainage Strategy submitted must adhere to latest guidelines by the local authority.

Archaeology  
Objection for the following reason/s:  
The results of an archaeological evaluation will need to be submitted with this application in line with paragraph 189 of the National Planning Policy Framework (2019).

Education  
No objection subject to:  
- S106 Contributions

Biodiversity Officer	Awaiting further comments regarding conditions and off site mitigation contributions
WODC Planning Policy Manager	Refer to policy CA3
WODC - Sports	Should this proposal be granted planning permission then the Council would require a contribution towards sport, recreation and play facilities.
WODC - Arts	Should this proposal be granted planning permission, then the Council would favour the following approach: A contribution of £10,290 towards public art in the vicinity of the site
Natural England	No Comment Received.
Newt Officer	No Comment Received.
WODC Env Health - Lowlands	I have No Objection in principle to the application to erect 75 dwellings at this site.  There is a satisfactory noise assessment report accompanying the application, which I recommend to you. As 'new builds' I strongly advise that a standard condition is required to ensure the design and build accord to the appropriate British Standard [BS 8233:2014].
ERS Env. Consultation Sites	Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. The following report has been submitted with the application.  - Crossfield Consulting Geotechnical Environmental. Site Investigation (Revision 1). Burrington Estates New Homes Limited, Land East of Swinbrook Road, Carterton. Site Investigation (Revision 1). July 2020 Report No. CCL03320.CL82.  The consultant has completed a desk based study and an intrusive investigation at the site. The site comprises a field with a derelict barn-type structure. The ground investigation did not identify potentially contaminated materials beneath the site and the consultant has concluded that there are no unacceptable risks to end users of the site. It is noted however that possible asbestos containing material was identified within the barn structure on site.

The desk study highlights that three small buildings with an access road entering the site from the west, are shown to have been present on site. Two of the buildings are shown to have been constructed by the 1950s and the third building appears to be present by the early 1970s. By the early 2000s, two of the buildings and the access road are no longer shown. Based on site observations and the age of the existing and former buildings on site, the consultant considered that these buildings may be associated with asbestos]containing materials (ACM). These materials may have entered the ground during previous repair/refurbishment works and/or demolition works. The consultant recommends that an asbestos survey should be undertaken of the existing building prior to any demolition and site clearance works.

Please could the following comments be passed to the applicant:

- 1) It is agreed that at asbestos survey of the buildings on site should be completed.
- 2) With regard to the former buildings on site and the potential presence of ACM, it is not clear if the former footprints of the building have been investigated in relation to the presents of asbestos. Where these locations targeted in the investigation? It would be useful to have the location of the former building presented on the exploratory hole location plan.
- 3) Any soils imported on to the site need to be validated and shown to be suitable for use in relation to human health.

Depending on the response to point 2 above I would likely request that the a condition be added to any grant of permission.

Thames Water

#### Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached to the planning permission.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

#### Water Comments

Thames Water are currently working with the developer of application 20/02422/FUL to identify and deliver the off site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 49 dwellings but beyond that upgrades to the water network will be required. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

WODC Env Services -  
Landscape

No Comment Received.

WODC Housing Enabler

The site falls within the low value affordable housing zone as defined in the Local Plan 2031 adopted in September 2018 and triggers a requirement under Policy H3 - Affordable Housing, to provide for 35% of the completed dwellings as affordable.

The Planning Statement (para 7.16) confirms that, of the 75 homes that would be created by this proposal 35% would be provided as affordable housing, equating to 26 affordable homes. The tenure mix is in line with the Council's preference for a 2:1 ratio for rental homes to intermediate forms.

The planning consultant (Edgars) contacted the Council's Strategic Housing team prior to submission of the application. The affordable housing proposal is reflective of those discussions and the high level of need for 1 and 2 bedroom affordable homes.

Providing affordable housing on this site will make an important contribution to meeting local housing need.

TV Police-Crime Prevention  
Design Advisor

Unfortunately I am unable to support the application at this time as some aspects of the design and layout are problematic in terms of crime and anti-social behaviour (asb) which could affect its ability to meet the requirements of;

The National Planning Policy Framework 2019, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not

undermine the quality of life or community cohesion and resilience'. However, this position could be addressed with appropriate amendments, as well as a condition on the applicant to meet the requirements of Secured by Design ensuring the opportunity to design out crime is not missed.

Oxford Clinical Commissioning Group NHS

NHS Oxfordshire CCG has confirmed that primary medical care is at capacity in the Carterton area and that there are several options to increase capacity. To support this we request a developer contribution from this project of £63,072 (72 homes x 2.4 average occupancy x £360). This is consistent with our recent Primary Care Estates strategy.

We would anticipate developer financial contributions used to develop infrastructure in the Oxfordshire Rural West primary care network which increases capacity for care delivered to Carterton residents.

## 2 REPRESENTATIONS

2.1 24 letters of objection have been received on following grounds:

Highways

- Jasper Lane on to Elmhurst Way is a very narrow road
- The corner of Tumbler is already dangerous for pedestrians and cars
- reconsider the plans for this road layout
- nearest bus stop isn't that close
- too far from town centre to walk
- need electric charging points for vehicles
- tiny road network simply will not be able to cope
- bollards on Swinbrook Road being removed would allow for 2 entrances to the current Swinbrook park estate
- When the bollards were unofficially removed there was an outcry regarding the dangers to the public and a very well attended public meeting was held in Carterton and it was conclusively decided they should be reinstated
- Already had damage to my car
- any construction vehicles during the building stage are considerate to the fact that Jasper Lane is a narrow quiet road
- huge impact on the traffic going through Shilton Park
- the other exit out of Swinbrook park is already dangerous with no lighting and a fast road with blind spots
- The residents of Swinbrook Park pay a yearly charge which includes maintenance of the estate, however, the residents of Jasper Lane pay an increased fee for maintenance of this road as it's classed as an access road, with no plans for the council to adopt it.
- it's going to become like 'Clapham junction' just being able to back off my own drive!
- The entrances on this plan are NOT suitable for the traffic 75 more houses will create
- This will make the area unsafe for children and animals/pets.



- The speed of cars around the country park is already dangerous for children
- road markings should be applied to the existing roads and new ones too, there have already been many near misses

#### Scale

- excessive number of houses
- any further dwellings in this location should be declined due to limited access and respectful consideration to the current residents
- This estate is peaceful, why ruin it?!
- The estate is plenty big enough already and cannot take more through traffic!
- I object most strongly to more overcrowded houses with cars parked all over payments and blocking roads

#### Biodiversity

- No biodiversity net gain
- The loss of the local habitat has impacted local wildlife on the estate
- The trees that had been on the Taggart Homes site have made the birds nest in the nearby houses
- The surrounding green spaces will be lost forever
- I was attracted to this area because of the green spaces nearby, and unfortunately they are slowly disappearing.
- This area is used by varied wildlife namely foxes, deer and a large number of birds. This development destroys their habitat
- The ancient hedgerow on this part of Swinbrook Road has already been damaged/destroyed by the development on the west side of the road. I do not want to see this situation on the east side as well.
- The air quality has worsened with all the new homes and vehicles in this area

#### Infrastructure

- no extension to Country Park
- disruption of the community feel of Swinbrook Park
- local schools and NHS services already struggling in Carterton
- with the other very large estate going up off of Monahan Way, the infrastructure in Carterton just won't cope with anymore housing being added to it
- Where is the provision on this development to provide for extra allotments for Carterton?

### **3 APPLICANT'S CASE**

3.1 The planning statement submitted with the application is concluded as follows:

Having regard to the assessment of relevant planning matters, this statement also finds that the proposal:

- o Delivers 75 dwellings at a highly sustainable allocated site on the edge of Carterton and a valuable boost to the 5 year housing land supply and housing delivery of the area;
- o Provides 26 affordable houses (an on-site contribution of 35%) with a greater proportion of 1- and 2-bed units that responds to identified local needs;
- o Delivers a high-quality design that respects the local character, integrates with adjoining development and contributes positively to local distinctiveness

- o Conserves the intrinsic character, quality and distinctive features of the local landscape with an appropriate development pattern and scale and landscaping treatments that respects the urban fringe setting;
- o Achieves adequate levels of residential amenity for existing neighbouring properties and the proposed properties (in terms of outlook, lighting, privacy, amenity space and storage).
- o Provides safe, suitable and convenient access that promotes sustainable movement;
- o Protects and enhances ecology to achieve an overall net gain in biodiversity;
- o Incorporates sustainable drainage and utilities infrastructure and protects future occupiers from unacceptable levels of flood risk, noise pollution and land contamination; and
- o Will provide adequate developer contributions for services and infrastructure necessary to support the proposal.

In light of the above, it is considered that the proposal complies with the West Oxfordshire Local Plan 2031 and the key material considerations (including the NPPF and West Oxfordshire Design Guide) and as such, it is requested that planning permission be granted without delay.

#### **4 PLANNING POLICIES**

CA3NEW Land at Swinbrook Road, Carterton

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The application is seeking consent for 72 dwellings at land at Swinbrook Road, Carterton. The site is allocated in the local plan under policy CA3 for around 70 dwellings.

5.2 There is planning history on the site, an application for 66 dwellings (14/0399/P/FP) was resolved to approve in 2013 but the legal agreement was never signed and it was finally disposed of in 2016.

5.3 The site is not in an area of designated control. There is residential development to the south, and the Linden House development under construction to the east, Kilkenny Lane to the west and allotments to the north.

5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Design and siting  
Highways  
Drainage  
Ecology  
Residential amenities  
SI06

## **Principle**

5.5 Policy CA3 of the Adopted Local Plan has allocated this site to accommodate around 70 dwellings as a well integrated and logical extension of the existing built form of the town, therefore the principle of residential development in this location has been accepted subject to proposals for development being consistent with the following criteria:

- a) provision of a mix of house types and tenures including affordable housing in accordance with Policy H3 - Affordable Housing
- b) the provision of supporting transport infrastructure, including mitigating the impact of traffic associated with the development; the provision of appropriate financial contributions towards LTP4 transport schemes; provision of appropriate public transport (services and infrastructure) serving the site; and provision of a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas and other key destinations.
- c) density, layout and form of development that integrates effectively with the adjoining residential scheme to the south of the site;
- d) appropriate provision of and contributions towards essential supporting infrastructure including extension/enhancement of Kilkenny Country Park and/or provision or improvement of other sports/recreation facilities;
- e) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.
- f) the use of sustainable drainage methods to ensure that post-development surface water run-off rates are attenuated to achieve a reduction in greenfield run-off rates. The sustainable drainage systems should be designed to provide a biodiversity enhancement.
- g) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.

5.6 These criteria are to be discussed in more detail below.

## **House types and affordable housing**

5.7 The proposal is for a mix of 1, 2, 3 and 4 bed units, 35% of which is affordable (roughly two thirds affordable rent, one third intermediate housing). Both the mix and the amount of affordable is in accordance with policies H3 and H4 of the local plan, has been agreed with the Councils Housing team, and in that regard officers consider that criteria a) of policy CA3 has been met.

## **Design and Layout**

5.8 Criteria c) requires that the density, layout and form of development integrates effectively with the adjoining residential scheme to the south of the site. The proposals are for two storey dwellings which reflect the developments to the east and south of the site (the Linden House scheme having been approved after the policy was adopted). The proposed dwellings are predominantly two storey neo vernacular in design and are to be constructed in a similar palette of materials as the adjacent sites in order to assimilate effectively.

5.9 Amendments were sought to improve the layout and increase the amount of on plot parking so the streets were not dominated by vehicles. This resulted in a reduction of 3 units so the overall scheme is now for 72 units which accords with the policy which states around 70 dwellings.

5.10 Criteria g) requires the development to be energy efficient and sustainable. The supporting documents accompanying the application show that the proposed dwellings will be constructed with energy efficient measures, locally sources materials, and with insulation values in excess of the current building regulations. conditions will be attached regarding water efficiency and provision of EV charging points.

## **Highways**

5.11 The site will be accessed from the south via Snowberry Court and Harlequin Place, with only pedestrian and cycle access directly onto Kilkenny Lane. Each property has dedicated parking spaces and there are further visitor spaces provided, in accordance with OCC's parking standards.

5.12 OCC as Highway Authority have raised no objections to the proposal, subject to S106 contributions and planning conditions. They consider the access to be safe and parking levels sufficient not to detrimentally impact highway safety. Further information has been submitted including a construction traffic management plan and the County have been reconsulted so the conditions in the recommendation are subject to change.

5.13 A number of third party representations have raised the matter of the bollards that were required on Swinbrook Road as part of the development to the south being removed. This is not relevant to this application, the application is considered to be acceptable on its merits without the removal of those bollards.

## **Drainage**

5.14 Criteria e) and f) of policy CA3 require connection to mains sewerage and sustainable drainage systems to be in place. The site is in Flood Zone 1 which is the lowest designation, and the application was accompanied by a flood Risk Assessment and Drainage Strategy.

5.15 Thames Water have confirmed that the site can connect to the system but there is a requirement for upgrades over and above 49 units and that they have been in separate discussions with the applicant regarding those upgrades. In that regard they have requested that a condition be attached to the recommendation to ensure a strategy is put forward for the remaining 23 properties.

5.16 OCC as Lead Local Flood Authority have objected to the proposals to date on the grounds that insufficient information had been provided to ensure that the drainage proposals would be acceptable. However, there have been ongoing negotiations between the applicant and OCC and further information has been submitted and is out for consultation. An update will be given either in the additional representations report or verbally at the committee meeting.

## **Ecology**

5.17 Policy EH3 requires that developments provide a net gain in biodiversity. Your Ecology officers have been in discussions regarding off site mitigation for the loss of habitats on this site and those negotiations are ongoing. The applicants have agreed to contributions to facilitate the off site works but the details of which are yet to be agreed. Again, an update on this matter will be given either in the additional representations report or verbally at the committee meeting.

## **Residential Amenities**

5.18 The layout has been amended to ensure that the amenities of future occupiers of the proposed properties, and the amenities of existing neighbouring properties is not harmed. Back to back distances are a minimum of 21m and back to side distances are 14m, and permitted development rights for some forms of development have been removed in order to maintain that residential amenity.

5.19 The Thames Valley Police Crime Prevention Design Team have requested that a condition regarding compliance with secured by design be attached to the recommendation.

## **SI06 and other matters**

5.20 Policy CA3 requires the development to contribute towards local infrastructure. The following contributions have been requested:

### **WODC**

Sport £81,626

Play £34,214.40

Public Art £9,870

Off site biodiversity contribution - amount to be confirmed

### **OCC**

Highway works £169,103.25

Public Transport services £77,775.00

Public transport infrastructure £5000.00

Education - to be confirmed

### **OCCG**

Oxfordshire Rural West primary care network £63,072

## **Conclusion**

5.21 The proposal is considered to be in general accordance with the provisions of policy CA3 land at Swinbrook Road, in that the housing numbers, type and mix are as set out, the development will make contributions to the highway network and infrastructure, the design and layout in in character with surrounding developments, contributions will be collected for local infrastructure, it will connect to the mains sewerage, and energy efficient measures will be incorporated.

5.22 The only outstanding matters are those of drainage and off site biodiversity contributions and conditions, and confirmation of the Education contributions from OCC, so subject to those issues being

resolved, and any further conditions being proposed, your officers are recommending provisional approval subject to a S106 being agreed and the conditions set out below.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 19th February 2021.

REASON: The application details have been amended by the submission of revised details.

4 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, and E shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to maintain acceptable residential amenities.

5 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.

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 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. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

9 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

10 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety.

11 Prior to the first occupation an updated Travel Plan Statement and Travel Information Pack should be submitted to the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

REASON: In the interests of promoting sustainable travel.

12 There shall be no occupation beyond the 49th dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may experience low/no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low/no water pressure issues.

13 No development shall take place until a site investigation of the nature and extent of contamination identified in the site investigation report (July 2020) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report 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, in accordance with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

14 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.

15 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

16 Prior to the first occupation of the approved dwellings, a scheme for electric charging points within the development shall be first submitted to and approved in writing by the Local Planning Development. The approved scheme shall be implemented in full with those details, and retained as such thereafter.

REASON: To promote and maximise the opportunity for travel by sustainable means.

#### INFORMATIVES :-

0. If any of the roads within the new development are to be offered up for adoption to the Local Highway Authority, a S38 Agreement will be required. For any private roads, a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865 815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for



private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

0. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

## Notes to applicant

- 1 If any of the roads within the new development are to be offered up for adoption to the Local Highway Authority, a S38 Agreement will be required. For any private roads, a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865 815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)  
Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.
- 2 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would

expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

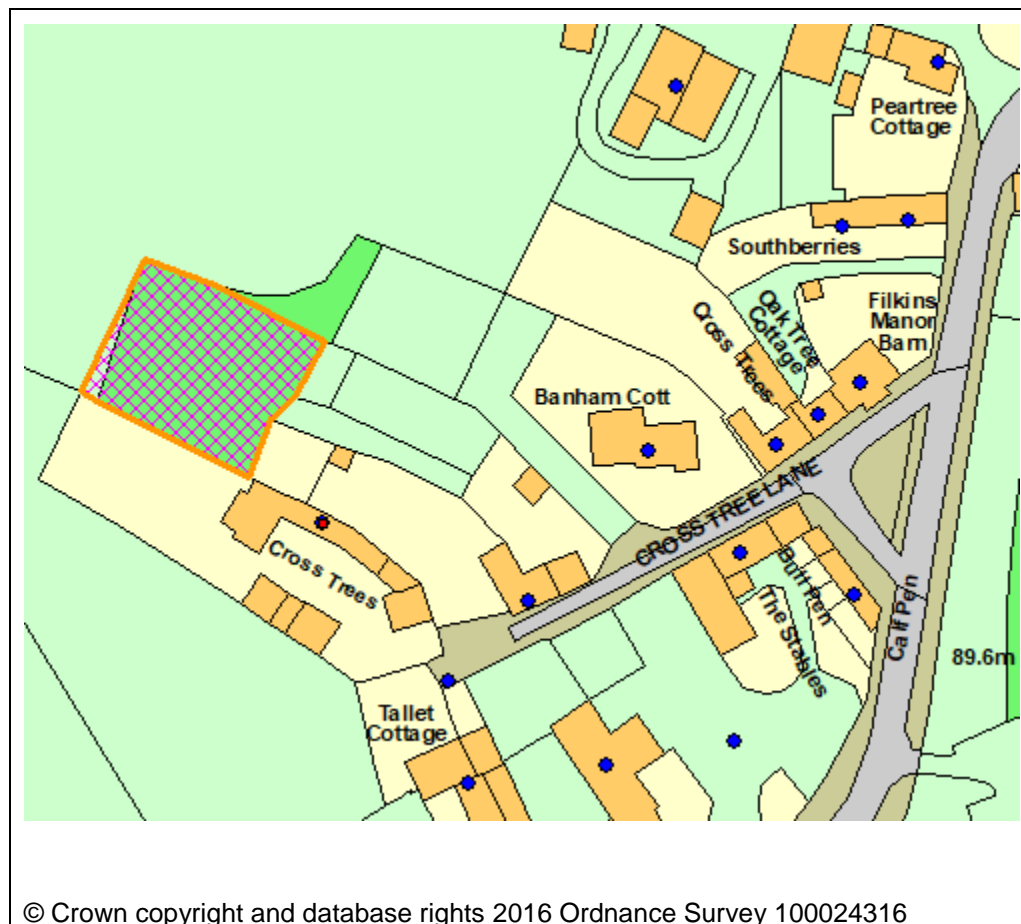
**Contact Officer:** Abby Fettes

**Telephone Number:** 01993 861684

**Date:** 3rd March 2021

Application Number	20/03242/FUL
Site Address	Lane End House Cross Tree Lane Filkins Lechlade Oxfordshire GL7 3JL
Date	3rd March 2021
Officer	James Nelson
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423910 E 204519 N
Committee Date	15th March 2021

### Location Map



### Application Details:

Change of use of redundant agricultural land to extend domestic garden together with erection of associated outbuildings and landscaping works. (Part Retrospective).

**Applicant Details:**

Mr Brian Swales  
Lane End House  
Cross Tree Lane  
Filkins  
Glos GL7 3JL

**I CONSULTATIONS**

Conservation Officer

No Comment Received.

Biodiversity Officer

I have reviewed the information that has been provided and have the following comments where additional information is required before a positive determination of the application.

I understand that the site has been cleared and that buildings have now been erected. I have reviewed past aerial images of the site as well as photographs that have been provided. Before clearance, the site seemed to offer biodiversity value as it comprised scrub/tall ruderal vegetation and trees. Therefore, the site may have offered opportunities for a number protected species including amphibians (including great crested newts), reptiles, bats, birds, hedgehogs and badgers. The features have now been lost as a result of the works.

No ecology information had been submitted to detail the condition of the site before the works started. Therefore, the precautionary principle should be applied where it will be assumed that the above protected species were using the site. The proposal will therefore need to compensate for the loss of biodiversity interest through ensuring that sufficient habitat features are provided.

I have reviewed the Landscape/Planting Key that has been submitted and understand that fruit trees are to be planted (and some have already been planted). A hedgerow is also being created along the western boundary. The specific species to be used within the hedging will need to be detailed. It is also unclear if the "Wild Plum" refers to the planting of trees around the site boundary so this will need to be clarified. Furthermore, the hatching (shown on the plan) will also need to be clarified as the habitat to be created within this area is unclear. Please note that all planting on site will need to use native, locally characteristic species.

I also recommend that rough grassland or a wildflower meadow is created within the areas around the fruit trees to further increase the biodiversity interest. Hedgehog gaps/holes will also need to be created through the stone walls to allow for the continued movement of the species. These features will need to be included within the

proposed landscaping plan before a positive determination of the application.

In principle, the landscaping scheme is mostly satisfactory, however, the above habitat features will need to be incorporated and the key/features on the plan will need to be clarified. Bat and bird boxes will also need to be provided but I will request for these details to be submitted as a condition of planning consent.

The above measures will need to be addressed. Furthermore, a 5-year maintenance and management plan should be submitted upfront to avoid the need for the details to be submitted as a condition of planning consent. This should detail the management and maintenance proposed for all habitat features on site. Any seed mixes to be used should also be detailed.

The dimensions of the hedgehog gaps will also need to be provided upfront, before a positive determination of the application.

Parish Council

With reference to the above Filkins & Broughton Poggs Parish Councils strongly objects to this application as per the reasons listed below. We have many points we wish to raise concerning this planning application but would like to register our concern on the length of time this retrospective application has taken.

Our first correspondence with you was in September 2020 although we understand works started in June 2020 and we were concerned that you had no intention of asking the applicants to stop works although irreparable damage was and has taken place at the site. The Design & Access Statement has several items that are incorrect.

o This piece of land is described as "an overgrown farmers graveyard with decaying and rotting vehicles". We find this description vastly over exaggerated. There was some machinery in this area as there are on many farms where land is set aside never redundant. This land adjoins an area of land which has been set aside for many years known as the Hadge Ground where there are historical buildings - now fallen- and this is constantly used by walkers as it adjoins the Darcy Dalton Way. The main reason for lack of use is that the Broadwell Brook passes through this area and therefore the surrounding land is too wet for cultivation. However, the farmyard is still a working farm so not redundant. These areas of set aside have been left to go wild by landowners and are well populated with wildlife and flowers and appreciated by all residents. There is no biodiversity statement for this land.

o On the Site History a statement is made that it is felt the proposal will have no adverse, overlooking, or visual impact on neighbouring properties or character of the area. This is totally inaccurate - these

buildings can be seen from the other side of the adjoining field and directly from the next-door neighbours and the access lane. They do not in anyway blend in with the surrounds and are out of character with everything that surrounds them.

o Assessment of Context: states the area is surrounded in thatched rooves and pitched slate. There are no thatched rooves in Filkins & Broughton Poggs- there is some welsh blue slate (one in this area) creeping into the village which is always objected to as the character of the village is for Cotswold slate natural or reconstituted; as per our objection to the conversion of the barn in the farmyard behind this site. The shed has a slate roof, but the summerhouse/studio is felt roofthis has been omitted. The site is in the Conservation Area and needs to adhere to the Conservation Character Appraisal.

o Existing Trees: It states there are no established trees within the curtilage of the site. There were trees on this site before it was cleared by the applicants. All trees over 4" width on the stem have to have permission to be removed from WODC. Therefore, a tree survey should have taken place before any works began on clearing the site - as stated in your application form. This area was cleared in June/July 2020 and there is no biodiversity assessment of the site as already stated above now all has been destroyed. The fruit trees that were on the site would have provided a food source and habitat for many species.

o Use: It is stated that it will fit comfortably into the development pattern of the surrounding area. There is nothing in the surrounding area that fits this pattern or resembles the scale of the sheds built which, we feel, to be excessive when the original garden has numerous sheds already. There are already 8 outbuildings on this one dwelling and they are asking for 3 more. As per attached photo.

o As a comment the Planks referred to which have been erected in the middle of the site are used in Filkins & Broughton Poggs as walling.

With reference to the application form:

o Item 7 Materials - Boundary walls - this makes no reference to the high timber fence that is situated behind the "Summer House" which is visible in a photograph supplied under "Location" on the Design and Access Statement and also ours attached. Timber fencing is not in keeping with the character of the village. Again, we objected to timber fencing at the Barn conversion in the adjoining farmyard and permission was granted after this was changed to dry stone wall. Therefore this should not be allowed on this plot.

o Item 10 Trees and hedges - we have commented on these above. The application states there are none - this is because they have

already been removed. It also states that surface water will be disposed of via a soakaway but nowhere is the building of a soak away mentioned in the application.

o Item 12 Biodiversity and Geological Conservation. Item 7 states that "remnants of dilapidated outbuildings, corrugated sheeting etc. have been removed. There is no biodiversity statement on this area, but all questions have been answered "No". This area of land adjoins a much larger field, which should also have been included in the report, these outbuildings may well have housed protected and priority species. The area is known for nesting birds, bats are seen all year and we also have resident barn owls. Important sites -There is a water course nearby and areas of scrubland/rough grass but again this was answered "No".

o Item 22 Site Visit - this site is visible from the footpath over the adjoining field, again it states "No"

o The size of the summer house/studio - we are presuming this is the same building as it is referred to as two different names- is 24' x 10' a large structure for such a visible site. The colour is totally out of keeping with the area, and all the other buildings on the site, being painted cream in colour it stands out even more from the surrounding area. It is stated in the WODC Preservation and Enhancement Document for Filkins & Broughton Poggs that "Special care must be taken to ensure that views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed." The view of these buildings goes directly against this document both in and out of the village.

o Neighbourliness: no consideration was taken when these buildings were erected. We understand no one has the "right to a view" but this plot of land covers the back of the house -The Paddocks- next door which completely blocks their view of the countryside. The new outbuildings are totally out of view of the applicants' house from which their view over the adjacent land is unhindered.

o We note that electricity, water and grey waste has been connected to the summer house/studio. This has the appearance of being able to be adapted into a dwelling with ease. This would be unacceptable. Is grey waste also being discharged through the soak away?

o We would be interested to know if any Covenants were put on the land when it was sold by the Goodenough family. All other plots that have been sold by them have covenants that no buildings can be put on them. If you allow this it would then set a precedent for numerous other lots of land.

Further to our objection letter please find our comments on the

revised planting schedule.

The most incongruous part of this development is the size, aesthetic and location of the summerhouse right in the middle of the plot. The planting will return the site to more of a biodiverse habitat, albeit not the one that was there, and if this is what the residents wanted to create I don't think there would have been any objections but it is not. However what the planting isn't doing is screening the summerhouse from external view, when it eventually becomes large enough, which will not be for several years, and for 6 months of the year when the trees have no leaves on them they will not provide any screening.

As we have stated the summerhouse should have been located elsewhere for example where the shed has been placed providing a different view over this site and the fields beyond, but obscured from nearby properties and the D'Arcy Dalton Way by existing numerous garden buildings. The siting and size of the summerhouse would certainly have been raised if the proper planning process had been observed it is very out of proportion.

The Parish Council understand no one has a right to a view but neighbourliness should always be considered.

### **3 2 REPRESENTATIONS**

2.1 Representation in opposition to the proposal have been received by 14 parties. The objection comments are raised on the following grounds:

- o Ecology
- o Neighbourliness
- o Landscape Pattern/Character
- o Policy and Principle
- o Inaccurate Application
- o Damage to Adjoining Wall
- o Private Views/Land Values
- o Flood Risk
- o Potential Future Uses

### **3 APPLICANTS CASE**

3.1 A planning statement has been submitted with the application and is available on the Council's website.

3.2 The applicant states that application seeks retrospective consent for a change of use from redundant agricultural land to the private garden of Lane End House. The proposal includes installing timber outbuildings that have been painted to blend with their surroundings. The applicant will retain and add to dry stone walling surrounding site and reuse two 'Filkins Slats' found during clearance of the site.



3.3 The applicant states that the land comprised and overgrown farmers graveyard with overgrown brambles and creepers plus some fruit trees and six large decayed and rotting farm vehicles which have been removed. The proposal has been designed to conform to and where possible exceed current planning policy with the use of local products and trades to execute with sustainability in mind.

3.4 The applicant believes that the proposal will enhance the site providing a well balanced use of the land which positively responds to its context and location.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH13 Historic landscape character

NPPF 2019

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **4 PLANNING ASSESSMENT**

### **5 Background Information**

5.1 This application follows an enforcement investigation and seeks retrospective consent to incorporate a parcel of agricultural land adjacent to 'Lane End House, Cross Tree Lane, Filkins' into domestic garden. The proposed amounts to a material change in the use of the land. The proposed also includes the erection of associated outbuildings and landscaping works.

5.2 The application site lies within the Filkins and Broughton Poggs Conservation Area and is brought before Members of the Lowlands Area Planning Sub-Committee following objection from the Filkins and Broughton Poggs Parish Council.

5.3 The site occupies an edge of village location and is bordered to the south by the existing garden of Lane End House and to the east by the garden of 'The Paddocks'. To the north and west lies open agricultural land.

5.4 There is no planning history on the site however, details supplied by the applicant describe the use of the site prior to development as 'redundant agricultural land' that had become overgrown due to at least 20 years of inactivity. The Council's aerial photographs indicate that the land had little in the way of substantial vegetation in 1999 and so appears to have scrubbed over relatively recently. The land is enclosed by traditional dry stone walling and appears to have been used to dump large pieces of machinery and other agricultural paraphernalia. Historical mapping shows that the land has been subject to various delineations with buildings on the land first evident in parish maps of 1899-1905.

5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle;

Visual Amenity;  
Residential Amenity; and  
Biodiversity

## **Principle**

5.6 The application site lies adjacent to the built up area of Filkins, identified as a village in the West Oxfordshire Local Plan. The principle of extending the residential garden that respects the village character and local distinctiveness is considered acceptable subject to careful consideration against local and national policy.

## **Visual Amenity**

5.7 In reviewing the application, your officers must consider the visual impact of the development on its immediate setting and the wider Filkins and Broughton Poggs Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

5.8 The site occupies an edge of village location that is clearly visible when passing or entering the village from an adjacent public right of way that runs to the west of the site. The site is not visible from Cross Trees Lane and is screened to the south by the existing garden of Lane End House. Evidence provided by the applicants shows that prior to development the site was overgrown with low-level vegetation and small fruit trees. When viewed from the adjacent public right of way, the site would have appeared as scrubland with vegetation partially screening the built up settlement to the east. The Council's 'Proposals for Preservation & Enhancement' of the Filkins and Broughton Poggs Conservation Area Document states that special consideration must be given to ensure that views into the conservation area are not harmed by new development. As a result, your officers consider that in order to be compliant with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed would have to preserve the character and appearance of the Conservation Area when viewed from the public right of way in the context of the previous condition of the site.

5.9 The proposal includes the erection of both a summerhouse and garden shed within an area of previously agricultural land and therefore exhibits the potential to result in an urbanising impact upon views into the Conservation Area. In order to address this potential harm, your officers have requested that a planting plan is submitted that will fully screen the proposed buildings using a native-mix hedgerow along the western boundary of the site. This is to be planted at a height of 2.3 metres and maintained at a height of 3 metres and a depth of 3 metres. The screening will be further reinforced by planting native Spindle trees in the south-western corner of the plot which will be planted at heights in excess of 2.6 metres mature to a height of 4 metres and reflect the native vegetation previously in situ. The use of native planting found in local hedgerows will assimilate the development into its surrounding rural context and ensure that the garden buildings within the site are not visible from the public realm, ensuring that views into the Conservation Area are not harmed as a result of this proposal. Therefore, your officers consider that the proposed development is acceptable in terms of visual amenity as it preserves the character and appearance of the Filkins and Broughton Poggs Conservation Area and respects the intrinsic landscape character in this locality.

## **Residential Amenity**

5.10 The site is bordered by one neighbouring property to the east, 'The Paddocks'. The proposed garden extension would create a shared boundary between the site and the rear garden of The Paddocks. Therefore, there is the potential for neighbourly amenity issues to arise from the development. The common boundary will be delineated using an existing dry stone wall, fencing and substantial planting. As a result, your officers consider that no unacceptable levels of overlooking or loss of privacy will result from the proposal. In addition, your officers consider that there is no reason to conclude that the proximity of the two gardens will result in any issues of noise disturbance. Therefore your officers consider that the development proposed is acceptable on the grounds of residential amenity.

### **Biodiversity**

5.11 The application site was cleared of all vegetation prior to your officers having inspected the site and in addition, no survey to assess biodiversity on the land was carried out before work commencing. Your officers consider that the site may have offered opportunities for a number protected species including great crested newts, reptiles, bats, birds, hedgehogs and badgers. As no ecology information has been provided, your officers have applied the precautionary principle where it will be assumed that the above protected species were using the site having regard to section 15 'Conserving and enhancing the natural environment' of the NPPF. Paragraph 175 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided then mitigation, or as a last resort compensation, measures should be sought by Local Planning Authorities. As the site has been cleared without the knowledge or consent of the Local Planning Authority, mitigation has not been possible and as a result, the proposal must ensure that sufficient biodiversity enhancement features are provided to compensate for the loss of biodiversity on the site.

5.12 Following consultation with your Biodiversity officer, the application has been amended to remove all non-native fruit trees from the proposal. In addition, a rough grassland area has been included on the amended site plan to provide additional habitat with hedgehog holes included along the northern site boundary. The native mix hedging along the western boundary and native fruit trees will also provide ecology enhancements. Bird and bat boxes will be required and secured through the use of planning condition as will a 5-year maintenance and management plan to secure retention of the features detailed. Therefore, your officers consider that the proposed development has adequately compensated for the loss of ecology on the site and is therefore acceptable on biodiversity grounds.

### **Other Matters**

5.13 Objection to the proposal has been raised on numerous other grounds that include: flood risk; inaccuracies in the application; whether the development should be classed as part-retrospective or simply retrospective; damage to an adjoining boundary wall; impact upon private views and land values; poorly presented plans and potential future uses.

5.14 Your officers do not consider that the proposed will result in any material impact upon flood risk in the locality. The site lies outside any areas of risk designated by the Environment Agency and surface water run-off will be controlled using a soakaway system to aid natural drainage of the site.

5.15 Inaccuracies in the original application such as the previous condition of the site and its visibility from the public right of way have been clarified with the applicant and the site visited on numerous occasions by your officers. The development was registered as part-retrospective, as at the time the application was submitted, works were not yet complete. However your officers agree that the change

of use and erection of buildings has been carried out and as a result the development should be classed as retrospective. The plans submitted are rudimentary but do provide sufficient clarity to enable your officers and Members to assess the proposed development. In addition, your officers can only consider the proposal in its current form and not speculate on potential future uses of the site. Should the applicants wish to change the use of the buildings on the land a new application would be required.

5.16 The impact of the development upon private views and land values as well as damaged caused to a boundary wall during construction are not material planning considerations that may be taken into account in the decision making process.

## **Conclusion**

5.17 In light of the above assessment, the proposed material change of use is recommended for approval as your officers consider it complies with West Oxfordshire Local Plan 2031 Policies OS2; OS4; EH2; EH3; EH9; EH10 and EH13, the West Oxfordshire Design Guide, the 'Proposals for Preservation & Enhancement' of the Filkins and Broughton Poggs Conservation Area Supplementary Planning Document and relevant national legislation and guidance.

## **6 CONDITIONS/REASONS FOR REFUSAL**

1 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.

2 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 buildings, hardstandings, structures or means of enclosure shall be erected on the land other than as expressly authorised by this permission.

REASON: Control is needed in order to safeguard the character and appearance of the area.

3 That the landscaping and tree planting on the site be carried out in accordance with the Planting Plan dated 02.03.2021 within 2 months of the date of this consent and retained thereafter in accordance with the plan.

REASON: Control is needed to ensure the development assimilates into the surrounding landscape.

4 That the trees marked U1 and U2 on the planting plan submitted on 02.03.21 to the Local Planning Authority be installed within one month of the date of this consent at a minimum height of 2.6 meters to be retained and maintained at a minimum height of 4 meters.

REASON: Control is needed in order to safeguard the character and appearance of the area.

5 That the hedging along the western boundary of the site be installed in accordance with the details submitted to the Local Planning Authority dated 12.02.2021. The hedging shall be installed at a minimum height of 2.3 meters to be retained and maintained at a minimum height and depth of 3 meters.

REASON: Control is needed in order to safeguard the character and appearance of the area.

6 That the development hereby approved be carried out in accordance with the Landscape Maintenance and Management Plan dated 26.02.2021 to operate for a minimum period of 5 years from the date of this consent.

REASON: To safeguard the character and landscape of the area.

7 That details of the provision of bat roosting features and nesting opportunities for birds and shall be submitted to the Local Planning Authority for approval. The details shall include a drawing showing the types of features and their locations within the site. The approved details shall be implemented within 2 months of the date of this consent and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

8 That hedgehog gaps/holes under/through the northern boundary wall shall be installed in accordance with the Planting Plan Submitted on 02.03.2021 within one month of the date of this consent and retained thereafter.

REASON: To provide new features for hedgehogs as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

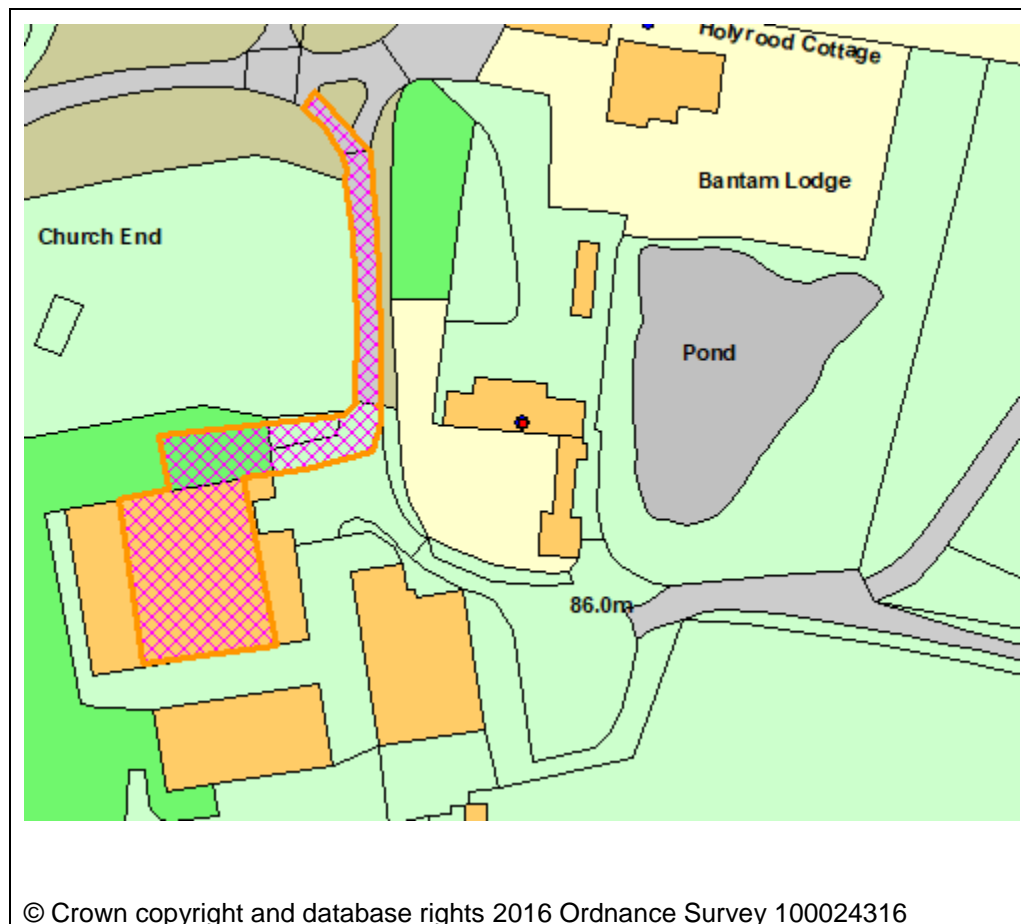
9 That the wall forming the northern boundary of the site be installed and retained as a traditional cotswold dry stone wall using 'cock and hen' coping and shall not exceed 1.8 meters in height.

REASON: To safeguard the character and landscape of the area.

**Contact Officer:** James Nelson  
**Telephone Number:** 01993 861712  
**Date:** 3rd March 2021

Application Number	20/03306/FUL
Site Address	Church Farm Church End South Leigh Witney Oxfordshire OX29 6UR
Date	3rd March 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	South Leigh Parish Council
Grid Reference	439385 E 208884 N
Committee Date	15th March 2021

### Location Map



### Application Details:

Change of use of an agricultural building to B8 storage and construction of associated hardstanding

**Applicant Details:**

Church Farm Partnership  
Church Farm  
Church End  
South Leigh  
Witney  
Oxfordshire  
OX29 6UR

**I CONSULTATIONS**

Parish Council

South Leigh Parish Council would like to support in principle this application.

However, before doing so, it was felt that a number of concerns raised must be addressed. In addition, due to the uncertain nature of the use over time, a request is made that a temporary permission be considered by the District Council.

Our concerns are:

1. External lighting - South Leigh Neighbourhood Plan Policy SLE7 protects our cherished dark skies. It states that any proposal having a detrimental effect "will be refused". The building is in Church End, the original centre of our village, with countryside all around the site. External lighting from this site could affect Church End, parts of Chapel Road and Station Road (the other main parts to our village), and the countryside in between. Some concern was expressed about the entrance location, but primarily the way light might spill out and affect our dark skies.

There is no mention in the report by Kernon Countryside Consultants of the Neighbourhood Plan, or the impact on the area, of the additional lighting required.

We ask that the case officer carefully consider lighting, ensure it is the absolute minimum and shielded, and would suggest the officer visit the site to consider all possible entrance locations, if that will minimize the light effect.

2. Internal lighting - Clients will need to open the entrance door, and lighting will inevitably "spill" out from there, if the building is open at night time, this will cause a lighting issue.

The majority of councilors were concerned about the lighting issue.

3. Traffic - The use is for 20 storage container units, the report provides an estimate of traffic based on 75% occupancy, but does not consider another building on site which has, under permitted development rights, a right for a further 5 units. This is a total of 25

units, and nobody can predict for sure if the level of activity will be modest or busy, driving into and through Church End, perhaps the quietest part of the village.

The report states that "vehicle movements will vary significantly"; if this is so, who can say how much traffic will result? The estimates of traffic per unit are questionable, no better than a "best guess" in our view. All very well saying 2 visits a week per unit, even this which or may not be, could be 50 movements a week, along the single track lane that serves Church End (25x2).

The applicant assured us the roller doors will only accommodate cars and vans, this may help to limit the size of vehicles.

Some councilors commented on vehicle sizes and levels of traffic, it was clear this might be difficult to control if permission is granted.

4. Hours of opening - It was felt that all year opening was excessive, some limitation was suggested, such as 8.00-6.00 Monday to Friday, 1.00-4.00 Saturday, Sunday and bank holidays, and shut on Christmas and Easter Days.

Enforcing any limitations on light, traffic and hours of opening could well be difficult, and we acknowledged the applicants assurance that the use would remain low key, but circumstances can change.

5. Temporary Planning Permission - We ask the District Council to impose reasonable limitations regarding lighting, traffic and opening hours.

We also ask you to consider a temporary consent, of say 4 years; our reasons could be summed up as:

This would give the applicants a chance to prove the low key nature over a longer period (and we want to encourage our local businesses).

4 years should enable the investment in setting up the use to be worthwhile.

4 years with the use being low key would mean we could again offer support to a further temporary period, and so on.

To give a full permission without time limit, now or in the future, would leave the village open to adverse conditions if the nature of the use ever changed. A temporary consent helps to ensure measure of control for good reasons, in the interests of the village as a whole, over the impact of this use in the longer term.



WODC Business Development      No Comment Received.

OCC Highways      would object to an application for a B8 use from a greenfield site in a location such as this in South Leigh. However, this application is submitted for existing buildings on a farm location supported by diversification policies in both the Local Plan and NPPF. The proposed use of containers will minimise vehicular movements together with movements by commercial vehicles.

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

Biodiversity Officer      I consider the Precautionary Working Method Statement (PWMS) prepared by Windrush Ecology and dated February 2021 to be satisfactory. The document outlines precautionary working for reptiles, amphibians (including great crested newts), bats, nesting birds, badgers and hedgehogs. I will specifically condition for the implementation of the precautionary measures.

As additional biodiversity enhancements, I recommend that bat and bird boxes are provided on site (e.g. mounted onto suitable buildings or trees). The details of the new nesting and/or roosting features, including elevation plans, locations on site and the specific designs, should be submitted to the LPA as a condition of planning consent.

I further recommend that a sensitive external lighting strategy is prepared to ensure that the vegetation on site is not illuminated by the external lighting (e.g. along the northern hedgerow). The details of the external lighting should be submitted to the LPA as a condition of planning consent.

I therefore recommend the following conditions and informative.

ERS Env. Consultation Sites      I have looked at the application in relation to contaminated land and potential risk to human health.

The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Given this and the nature of the development I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

## **2 REPRESENTATIONS**

2.1 20 letters of representation have been received objecting to the planning application for the reasons as summarised below:

20 letters of representation have been received objecting to the planning application for the reasons as summarised below:

#### Principle

- o The application makes no reference to the South Leigh Neighbourhood Plan especially policy SLT1 - Traffic Management, policy SLD6 - Business in the Countryside which does not support Class B8 of the Use Classes Order and point 3 of this policy which does not support businesses that create additional traffic and policy SLE7 (with Local Plan policy EH8) which seeks to maintain the dark skies of the area.
- o The proposed development is more characteristic of a commercial area not a residential village
- o South Leigh is a quiet rural village that is protected under our Development plan so that the village retains its non-industrialised setting
- o Lighting would again contravene the Development plan of South Leigh which would have significant impact in the local area.

#### Highways

- o The proposal would cause an increase in traffic
- o The increase in vehicular movements to and from the site would cause significant noise and pollution
- o Larger vehicles will damage the grass verges
- o The road and access is unsuitable for large commercial vehicles
- o Increase in larger vehicles and traffic movements would have an adverse impact on pedestrians.

#### Neighbouring amenity

- o The storage units will reduce the quality of life for residents living within the village
- o The change of use does not provide a single benefit to the local community
- o The movement of vehicles late at night/early morning and weekends, is very likely to trigger dogs to bark.
- o The proposed development would impact the quiet nature of the village

#### Other matters

- o This application is more characteristic of a commercial area and it has no place in a quiet, residential village.
- o The development would have a harmful impact on the quiet village
- o Lighting would again contravene the Development plan of South Leigh which would have significant impact in the local area.
- o There has been no consultation with neighbours nor with the rest of the village that will be impacted by this proposal
- o What can and cannot be stored should be defined and that customers do not actually operate their business out of the container
- o The proposal does not provide any new employment opportunities

- o The hours are simply not acceptable particularly in the winter months and we are worried about it being open on bank holidays and Sundays.
- o A barn owl survey should be carried and alternative sites/boxes provided, or provision for them to continue to use the barn if they do already
- o There is no specific mention of how users of the footpath/restricted byway that shares the access road will be addressed

### **3 APPLICANT'S CASE**

The application is accompanied by a supporting statement which concludes:

This report accompanies a planning application which seeks to change the use of an existing building to B8 storage. The building will be used to site up to 20 storage containers which will be marketed for long term, low key storage purposes.

To enable the proposed change of use, minor building operations are proposed which include and are limited to the replacement of an existing opening with a secure roller shutter door and the creation of a small area of hardstanding to enable all year round access from the north elevation of the building.

In principle, the proposals afford a great deal of support at both a national and local level. The Framework seeks to enable farm diversification with a preference towards re-using existing buildings. Local policy is also supportive of the proposals under policies E2 and E3. As set out in the policy appraisal, all criteria of both policies are met. Accordingly, the proposals are acceptable in principle.

Various site-specific matters have been considered including visual impact, highways, ecology, flooding etc. The only potential constraint that has been identified is the impact the proposal may have on the local highway. Based on the estimated increase in vehicle movements (4 per day) it is not expected that the proposed change of use will be detrimental to the local highway given that the proposals will only result in a very modest increase in vehicle movements.

In summary, the proposed change of use is considered acceptable in principle and no site-specific constraints have been identified that should prevent the proposals from being acceptable in planning terms. We trust, therefore, that the Council will be able to approve the application and support the Church Farm Partnership during what is a very uncertain time for the agricultural industry as a whole.

### **4 PLANNING POLICIES**

The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

This application seeks planning permission for the change of use of an agricultural building to B8 storage and associated works at Church Farm, Church End in South Leigh.

The site comprises approximately 24.12 acres (9.76 ha) and benefits from a range of existing buildings including a grain store and hay store. This site forms part of a larger agricultural holding which extends to over 206 acres (83.5 ha). The land at Church Farm is predominantly used for hay production and grazing and as a result of recent changes some of the buildings contained on the site (including the

application building) have become redundant. In order to support the farm partnership, the application seeks to convert the former agricultural building into a B8 storage.

The building subject to the change of use relates to a modern, agricultural building located to the north west of the site. The application building is of a concrete frame construction and is in good structural condition.

The farming partnership seeks permission to offer secure B8 storage facilities at the farm in the form of ISO shipping containers. Each container will measure approximately 2.4m wide by 2.6m high by 6m long. It is proposed to site up to 20 storage containers within the building.

The proposed opening hours are Monday to Friday 8am - 6pm, Saturdays 10am to 4pm, Sundays and Bank Holidays 12pm to 4pm and closed on Christmas Day and Easter.

The site is not within the Conservation Area or the Cotswold Area of Outstanding Natural Beauty.

The application is to be heard before the Uplands Area Planning Sub-Committee as Cllr Levy has requested that the application is reported to Committee for policy reasons concerning highways safety and convenience.

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- o Principle;
- o Siting, Design and Form;
- o Impact on Heritage Assets
- o Highways;
- o Residential Amenity
- o Other Matters

## **Principle**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018.

Local Plan Policy EI 'Land for Employment' states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.

Diversification into non-agricultural activities can be vital to the continuing viability of many farm businesses. The Council is generally supportive of well-conceived farm diversification schemes which secure long term benefits for farming and the local economy. New activities should not conflict with agricultural operations, which should remain the dominant land use.

In addition to this, Policy E3 highlights that existing buildings should be reused where feasible. The reuse of non-traditional buildings including modern farm buildings for employment uses will be supported where it forms part of an agricultural holding and the proposal is part of a farm diversification scheme under Policy E2 providing that the general character and form of the building is not harmful to the surroundings and the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s).

This is also echoed in Policy OS2 which states that all development form a logical compliment to the existing scale and pattern of development and/or the character of the area.

In this instance the proposal seeks to change the use of a redundant agricultural building to a B8 Storage use as part of a farm diversification scheme. The proposal seeks to utilise an existing building and its conversion does not require any extensions or excessive alterations.

In regards to whether a B8 Storage use is suitable to its location, POLICY SLD6 of the South Leigh Neighbourhood Plan (SLNP) states that planning permission will be given for development that enables existing rural businesses in the Parish to expand and develop and for the conversion or reuse of buildings to new business uses provided that:

- o It is in keeping with the scale, form and character of its surroundings.
- o It does not significantly adversely affect the amenities of the community in the area.
- o It does not significantly increase traffic on the rural roads in the Parish.
- o The proposed use falls within Uses Classes B1, B2 or B8 of the Use Classes Order

Given this, the agricultural building currently stands vacant following changes to the existing farming operation. In this regard, the change of use is considered to be in character for the area of South Leigh and the adjoining farming operations within the site.

### **Siting, Design and Form**

The proposed development seeks to utilise an existing modern agricultural building within the Church Farm complex.

There are several public rights of way within the vicinity of the farm including one that runs down the main access to the farm buildings. Some concerns have been raised in regards to the proposed development and the impact it would have in terms of accessing the public right of way. The proposed change of use will be contained within an existing building and will not lead to interference or the closing up of any public rights of way.

Only minor building operations are proposed that will affect the external appearance of the building. The only external works proposed are to replace an existing metal door with a roller shutter door to increase security, and to formalise an area of hardstanding to provide good access to the building. The hardstanding will be constructed by removing the top layer of soil, laying a hardcore base to approximately 150mm which will then be topped with road planings. This will ensure it remains permeable and will allow surface water to soakaway.

Given the modest nature of the alterations, and that the site is well screened by existing mature vegetation, that the proposed alterations would not harm the visual appearance of the streetscene. Your officers are therefore of the opinion that the proposed is acceptable in this regard.

/b Impact on the setting of the historic environment

The site sits within close proximity to the Grade II Listed Church Farmhouse which sits to the North of the site and sits just over 100m from the Grade I Listed building, the Church of St James.

Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the setting of the listed building.

South Leigh Neighbourhood Plan Policy SLE6 states that the Parish's designated and non-designated heritage assets and their settings will be conserved and enhanced taking into account their significance and contribution to local distinctiveness and sense of place in accordance with national legislation, policy and guidance for the historic environment. Considerable weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets and their settings.

With regard to the impact on the setting of the listed buildings, the proposed change of use is not considered to have a negligible impact on the setting of the listed building and as such the proposed development would conform to policies EH11 of the Local Plan and SLED of the South Leigh Neighbourhood Plan.

## **Highways**

Access to the site is gained via the existing access from Church End lane.

A number of concerns have been raised by local residents in regards to highways safety and convenience in that there are concerns that the proposed development would result in an increase in traffic generation which would consequently have an impact on pedestrian safety, the local highway network and the verges throughout the village.

POLICY SLT1 of the South Leigh Neighbourhood Plan states that any proposals which would result in a significant increase in the volume of traffic on roads in the Plan area will be assessed in terms of their potential impact upon the environment and amenities of the Parish. Where necessary, the Parish Council will work with West Oxfordshire District Council and Oxfordshire County Council to identify any appropriate traffic management measures that will serve to mitigate the negative impacts of additional traffic generation.

Oxfordshire County Council Highways Authority has been consulted on the application and have stated that whilst they would normally object to an application for a B8 use from a greenfield site in a location such as this in South Leigh, given that this application is submitted for the reuse of existing buildings on a farm location supported by diversification policies in both the Local Plan and NPPF, that the proposed use of containers will minimise vehicular movements together with movements by commercial vehicles. On this basis, OCC Highways have raised no objections to the proposed change of use from agriculture to B8 storage.

Whilst your officers note the concerns raised in regards to the impact of increased vehicular movements along the highway network, given that OCC Highways have raised no objections to the proposed scheme in regards to highways safety and convenience, your officers cannot justify a reason for refusal on the ground of highways. On this basis, the proposed is considered to be acceptable in

regards to highways safety and convenience and would comply with local plan policy T4 and Neighbourhood Plan Policy SLT1.

### **Residential Amenities**

In regards to the impact on residential amenity, this has been carefully assessed. A number of concerns have been raised in regards to the impact the proposed development would have in terms of light spillage and noise pollution.

SLE7 of the South Leigh Local Plan states that the existing dark skies in the parish will be maintained. Proposals for external lighting will be kept to a minimum and will be assessed against the guidance contained in Policy EH8 of the West Oxfordshire Local Plan. Proposals that include external lighting which would have a detrimental effect on intrinsically dark landscapes, nature conservation, local amenity, character of a settlement or wider countryside will be refused.

Your officers note these concerns and are of the opinion that the proposed development would not result in such significant harm in regards to light and or noise pollution to warrant refusing the application. The proposal seeks to insert a single lighting unit above the entrance to allow safe access. The lighting unit will be connected to a PIR sensor so that lighting will only come on if movement is detected within the proposed area of hardstanding. The lighting will be on a timer so that if no activity is detected within approximately 3-4 minutes, the lighting will automatically turn off. Officers have considered the proposed impact of this light in regards to the wider landscape and residential amenity and are of the opinion that given the lighting would face directly towards the ground and be on a timer, that the proposed lighting would not result in a significant detrimental impact on the intrinsically dark landscape.

The site is a working agricultural unit and the proposed storage use is not that of a noise generating nature and so the use itself will not lead to a negative impact on residential amenity.

Given that the siting, size and scale of the building is not sought to change, your officers are of the opinion that the proposed change of use would not result in any adverse impacts in regards to being overbearing or resulting in a loss of light or overshadowing. In addition to this, the proposal does not include the addition of any window. Given what is proposed and that the building is relatively contained within the existing farm site where it is considered to be sufficiently screened by an existing built up hedgerow and vegetation, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to overlooking or loss of privacy.

### **Other matters**

There are several public rights of way within the vicinity of the farm including one that runs down the main access to the farm buildings. Some concerns have been raised in regards to the proposed development and the impact it would have in terms of accessing the public right of way. The proposed change of use will be contained within an existing building and will not lead to interference or the closing up of any public rights of way.

Concerns were also raised in regards to the impact of the change of use on local wildlife. A Precautionary Working Method Statement (PWMS) has been submitted outlining precautionary working for reptiles, amphibians (including great crested newts), bats, nesting birds, badgers and hedgehogs. Your Biodiversity officer has been consulted and has raised no objection subject to a number of conditions to ensure that the works are carried out in regards to the submitted PWMS, additional biodiversity

enhancements such as bat and bird boxes and for a lighting strategy to be submitted. In light of this, the proposed development is considered to be in accordance with Local Plan Policy EH3.

## **Conclusion**

In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, E1, E2, E3, EH3, EH9, EH11, H6 and T4 of the adopted West Oxfordshire Local Plan 2031, policies SLD6, SLE6, SLE7 and SLT1 of the South Leigh Neighbourhood Plan, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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 The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4 The premises shall be used for B8 Storage; and for no other purpose (including any other purpose in Class B; of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: The site is only suitable for the use specified because of the special circumstances of the site.

5 The use shall not take place other than between the hours of: -

Mondays - Fridays: 08:00 to 18:00

Saturdays: 10:00 to 16:00

Sundays and Bank Holidays: 12:00 to 16:00

Christmas and Easter: Closed

REASON: To safeguard living conditions in nearby properties.

6 The development shall be completed in accordance with the measures outlined within Section 3 of the Precautionary Working Method Statement, dated 23rd February and prepared by Windrush Ecology, as submitted with the planning application. All the recommendations shall be implemented in



full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that the reptiles, amphibians, birds, bats, badgers and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 Before the building first comes into use, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and/or nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) either mounted onto the walls of the buildings or suitable mature trees on site, as well as holes/gaps within all fences/walls for hedgehogs, shall be submitted to the local planning authority for approval. The details shall include a drawing/s 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 building/s hereby approved is/are first occupied and thereafter permanently retained.

**REASON:** To provide additional roosting for bats and nesting birds and to ensure continued permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

8 Before the building first comes into use, 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 light spillage into wildlife corridors will be minimised as much as possible.

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

**REASON:** To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

#### INFORMATIVES :-

0. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife

and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then 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 (with regard to bats).

### **Notes to applicant**

- I Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

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In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then 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 (with regard to bats).

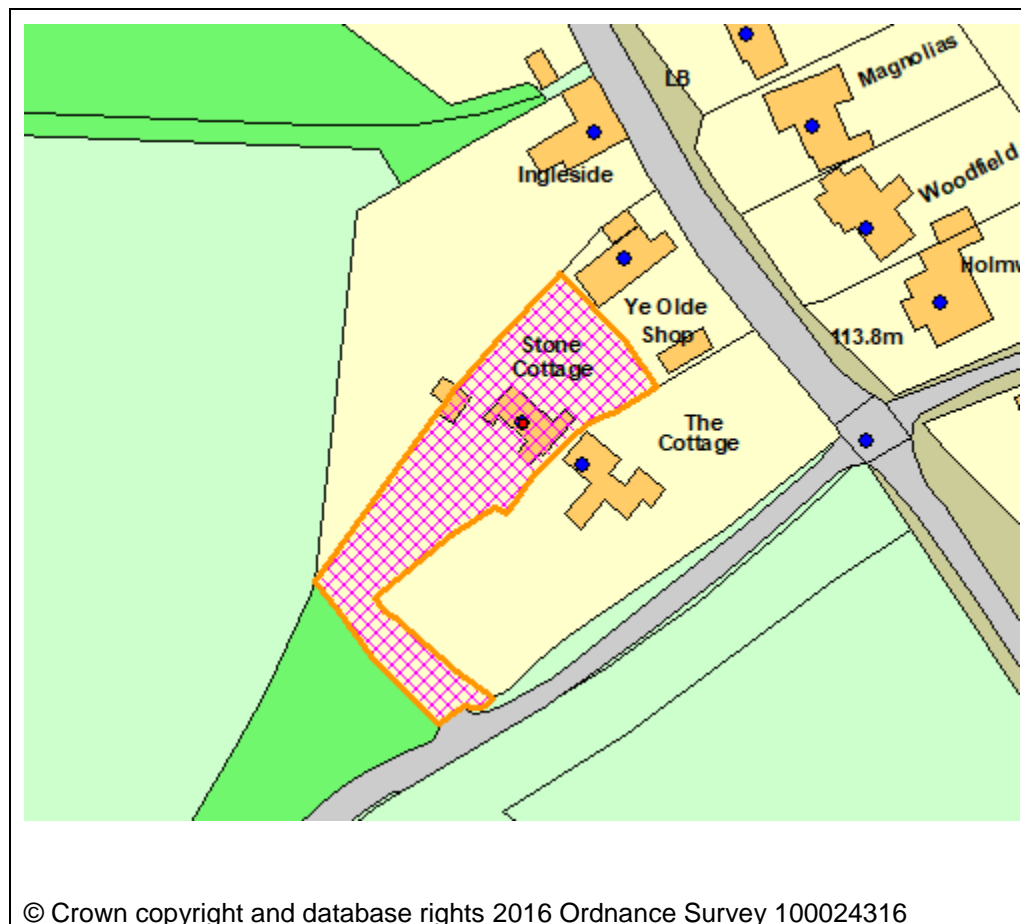
**Contact Officer:** Chloe Jacobs

**Telephone Number:** 01993 861697

**Date:** 3rd March 2021

Application Number	21/00092/HHD
Site Address	Stone Cottage East End North Leigh Witney Oxfordshire OX29 6PZ
Date	3rd March 2021
Officer	Esther Hill
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	439790 E 214616 N
Committee Date	15th March 2021

### Location Map



### Application Details:

Erection of two storey extensions to front elevation.

**Applicant Details:**

Ms G Hine  
Stone Cottage  
East End  
North Leigh  
Witney  
Oxfordshire  
OX29 6PZ

**I CONSULTATIONS**

Parish Council

North Leigh Parish Council has no comments on this planning application.

**2 2 REPRESENTATIONS**

2.1 No representations have been received.

**3 APPLICANT'S CASE**

3.1 No supporting statement was required with this planning application.

**4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

NPPF 2019

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

**3 5 PLANNING ASSESSMENT****Background Information**

5.1 The application seeks planning permission for two storey extensions to the front elevation at Stone Cottage, East End, North Leigh, Witney.

5.2 This application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is a member of West Oxfordshire District Council staff.

5.3 The application site relates to a two storey detached property, located in East End, North Leigh.

5.4 The application site does not fall within any areas of special designated control.

5.5 Relevant planning history:

- Planning application Ref: W78/0545- Porch extension including shower room with w, c.- Approved.
- Planning application Ref: W80/1184- Extension to form porch- Approved.

5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- Principle
- Design
- Impact on visual amenity of the streetscene and locality.
- Residential Amenity

### **Principle**

5.7 This application seeks planning consent for alterations within the residential curtilage of the existing dwelling. The principle of development is considered acceptable by your officers, subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

### **Design**

5.8 Proposed are two extensions of two storey scale to the front elevation of the host dwelling, one towards the north western end of the host dwelling and the other to the south eastern end of the host dwelling.

The proposed two storey extension to the north western end of the front elevation will replace an existing single storey lean-to, it is of a dual pitched roof design and will extend beyond the front elevation of the host dwelling by 3.05m, it is 2.8m wide, has an overall height of 5.5m and will serve as a study at ground floor level and an en suite at first floor level. The proposed extension has a ground floor and first floor window on its south western elevation and a first floor window on its south eastern elevation.

The proposed two storey extension to the south eastern end of the front elevation will partially replace and adjoin onto an existing single storey extension, it is of a dual pitched roof design, extends beyond the front elevation of the host dwelling by 2.8m, it is 2.6m wide and has an overall height of 5.5m. The proposed extension will serve as a hall and utility at ground floor level and provide space for the reconfiguration of the stairs at first floor level. The proposed extension has a ground floor and first floor window on its south western elevation and a ground floor window on its north western elevation.

Also proposed is the repositioning of a first floor window and the enlargement of a ground floor window to the front elevation of the host dwelling. The proposed materials are to match that of the host dwelling. Your officers consider that the proposed extensions will appear as secondary and subservient additions to the host dwelling and are not out of character with the immediate surrounding area and are therefore considered to be acceptable in terms of their scale and design.

### **Impact on visual amenity of the streetscene**

5.9 The proposed extensions may be partially visible on the street scene. However, given their scale and siting your officers consider that they would not give rise to any adverse impacts in regards to visual amenity.

## **Residential amenity**

5.10 In terms of residential amenity given the siting of the proposed extensions, their depth, height, the siting of the proposed openings and the separation distances between the proposed extensions and the adjacent properties, it is not considered that the scheme would give rise to adverse neighbouring amenity issues such as overlooking, loss of privacy, loss of light or overbearing. Also, no objections have been received from neighbours and North Leigh Parish Council has commented with no objections to the application.

## **Conclusion**

5.11 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of Policies OS4, OS2 and H6 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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 The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

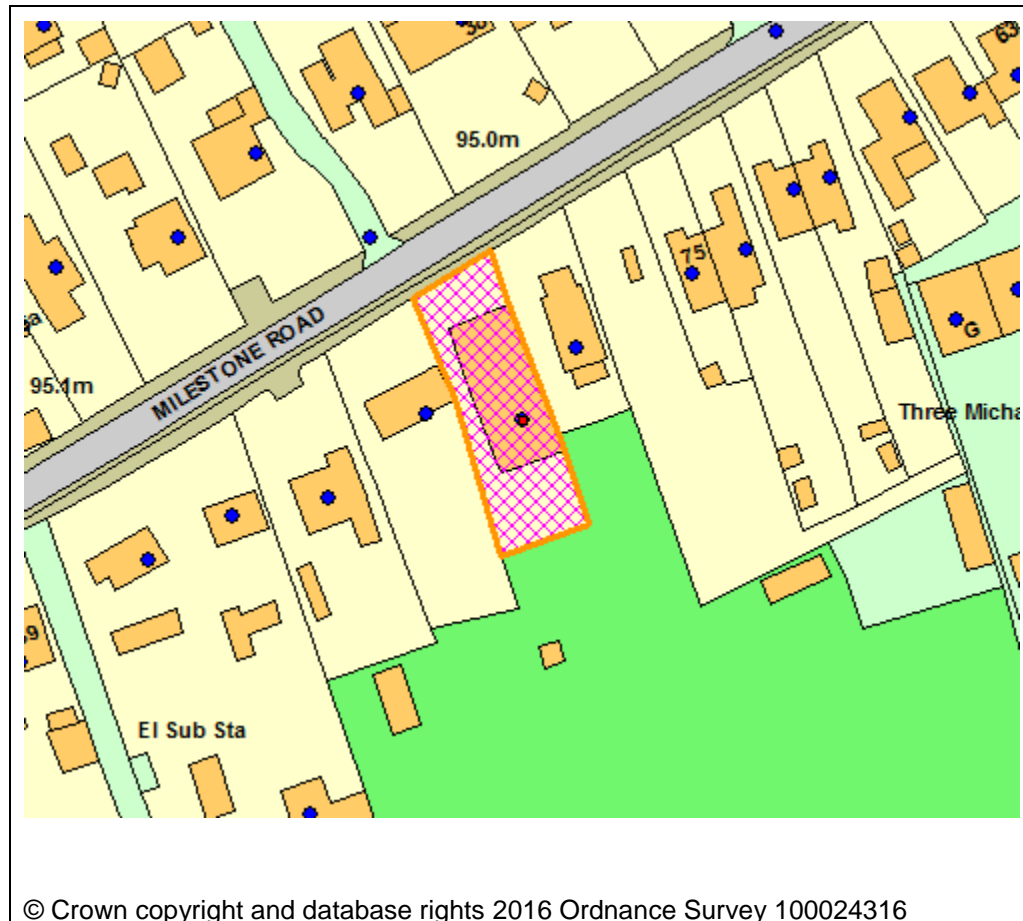
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 3rd March 2021

Application Number	21/00185/FUL
Site Address	79 Milestone Road Carterton Oxfordshire OX18 3RL
Date	3rd March 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427815 E 206111 N
Committee Date	15th March 2021

### Location Map



### Application Details:

Construction of 6 no. one bed flats together with associated works and formation of new vehicular access.

### Applicant Details:

Balliol Homes Limited  
College Mead  
Little Blenheim  
Yarnton  
Oxfordshire  
OX5 1LX

## **1 CONSULTATIONS**

Thames Water	No objection subject to informatives
ERS Env. Consultation Sites	There is potential for contamination to be present on site. Please consider adding a condition to any grant of permission.
WODC Env Health - Lowlands	No objection
WODC Drainage Engineers	No objection subject to condition
OCC Highways	No objection subject to conditions
MOD MOD (Brize Norton)	No objection
Oqema Ltd	No Comment Received.
MOD - Landowner - Safeguarding	No Comment Received.
Parish Council	Carterton TC The flats would be out of keeping with the majority of properties in this area, parking would be tight with only one space per flat and there were concerns about the extra traffic this development would cause.

## **2 REPRESENTATIONS**

2.1 Three letters of objection have been received. The comments have been summarised as;

Loss of light

Loss of privacy

This new application has not changed much in appearance, just one storey less, but still car parking on the road frontage, still overlooking and still piecemeal development on an allocated site?

The revised development in my opinion does not change any aspect from the original application, except for two less flats, the street view and privacy of neighbouring properties remain unchanged.



Also the layout would lead way for more on street parking reducing visibility and safety on an already popular 'rat run'.

I, probably as much as anyone am very keen to see the derelict building removed, but it needs to be replaced with properties similar to the existing street views. I also fear that granting permission for this will then lead to a precedent of what can be built at 81 Milestone Road

### **3 APPLICANT'S CASE**

A Design and Planning Statement has been submitted as part of the application. It has been summarised as;

The site historically comprises the Doris Watts Residential Home, the remains of which stand on the site in a semi-derelict site. The adjoining site, 81 Milestone Road is also in a derelict condition but is not in the ownership of the applicants

The style of the properties on Milestone Road is varied with some being brick, or stone, or render or recon stone and further along the road on the same side is a mobile home park development.

The site area is 0.1ha and is a broadly rectangular shape with its narrow (north western) boundary fronting onto Milestone Road 500m to the West of its junction with Black Bourton Road. There is extensive residential development to the North, and Milestone Road is characterised by detached and semi-detached properties, many set well back behind front gardens and parking areas.

This application seeks planning permission for residential redevelopment of the site to provide six one bedroom flats and associated parking. The full requirement can be provided on site with no on-street parking necessary.

There will be eight on site parking spaces, one of which will be for disabled use.

The proposed design is single storey and part two storey with a mix of artificial stone and render under pitched and hipped roofs. All side windows at first floor will have obscure glazing. The proposed ridge height is only 100m higher than the existing derelict structure.

Our previous application was not accepted because the case officer felt " the proposed scale and form would be incongruous and overly dominant" We still do not agree with her opinion but we have made significant changes to the design and reduced dwelling numbers.

We believe that the proposal is appropriate for the site and location, has due regard to the amenity of neighbouring properties and will not have an undue visual impact in relation to its surroundings.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

OS4NEW High quality design

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

NPPF 2019

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### **Background Information**

The application site is part of the former Doris Watts Residential Home which is in a derelict state. The site area is 0.1ha. To the rear of the site is the allocated housing site which planning application reference 19/02809/FUL for the erection of 214 dwellings with associated landscaping, surface water attenuation and parking was refused. 79-81 Milestone Road was included within this site allocate in the Local Plan 2031 under Policy CA2.

Members may recall that a previous application for eight flats was refused at the December Lowlands Area. The revised application is seeking planning consent for six one bed flats and new access. The application is to be heard before the Lowlands Area Planning Sub-Committee as the Town Council have objected to the proposal.

#### Previous planning history

14/01971/FUL Proposed residential development of the site to provide 14 apartments and associated access, parking and landscaping. Withdrawn.

20/02416/FUL Construction of 8 no. one bed flats together with associated works and formation of new vehicular access. Refused;

By the reason of the proposed scale, form and massing, the proposed building will appear significantly incongruous and overly dominant with the immediate locality. The proposed building will adversely affect the character and visual appearance of the streetscene. As such the proposal is contrary to Policies OS2 and OS4 of the West Oxfordshire Local Plan, the West Oxfordshire Design Guide, the National Design Guide and the relevant paragraphs of the NPPF.

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### **Principle**

Carterton is a Main Service Centre as defined in the adopted West Oxfordshire Local Plan Policy OS2. As such your officers consider that on previously developed land within a mature residential area that the principle of such development is acceptable. The reduced number of flats is considered acceptable by your officers. However your officers still have concerns with the proposed scale, form and design of the proposed building.

#### **Siting, Design and Form**

The proposed building is of a two storey form. Whilst the form and the design of the proposed building is now similar to that of existing dwellings which sit in close proximity of the site, your officers have concerns regarding the bulk of the building, and consider that it will still result in a building of a large scale, which will be overly dominating in its immediate setting.

The general principles of Policy OS2 of the adopted West Oxfordshire Local Plan states that all development should:

Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;

Form a logical complement to the existing scale and pattern of development and/or the character of the area;

Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants

Policy OS4 of the adopted West Oxfordshire Local Plan states that; New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings and should: demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced.

At the time of writing, your officers are still in negotiations with the applicant, and will verbally update Members at the meeting.

### **Highways**

OCC Highways have not objected to the scheme but have recommended conditions.

Your officers consider that due to the reduction in the number of flats that the car parking area to the front will not still be the front of the site will not be overly dominant within this part of Milestone Road.

### **Residential Amenities**

Policy OS4 of the adopted West Oxfordshire Local Plan states that new development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

Given that the immediate building is that of 81 Milestone Road which in itself is of a derelict state, your officers do not consider that the neighbouring properties to the application site will be adversely affected. The proposed balconies are positioned to the rear elevation. The proposed windows to the side elevations, are to be obscure glazed.

### **Conclusion**

Your officers consider that the number of flats proposed is acceptable and many of the concerns resulting from the previous application have now been overcome. However your officers still have some concerns regarding the scale of the overall building which will result in an overly dominant addition to the visual appearance and character of this part of Milestone Road. Negotiations are still taking place at the time of writing and your officers will verbally update Members in terms of whether revised plans have been received. A full list of conditions will also be made available.

### **6 CONDITIONS/REASONS FOR REFUSAL**

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**Date:** 3rd March 2021

