

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 24th May 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.

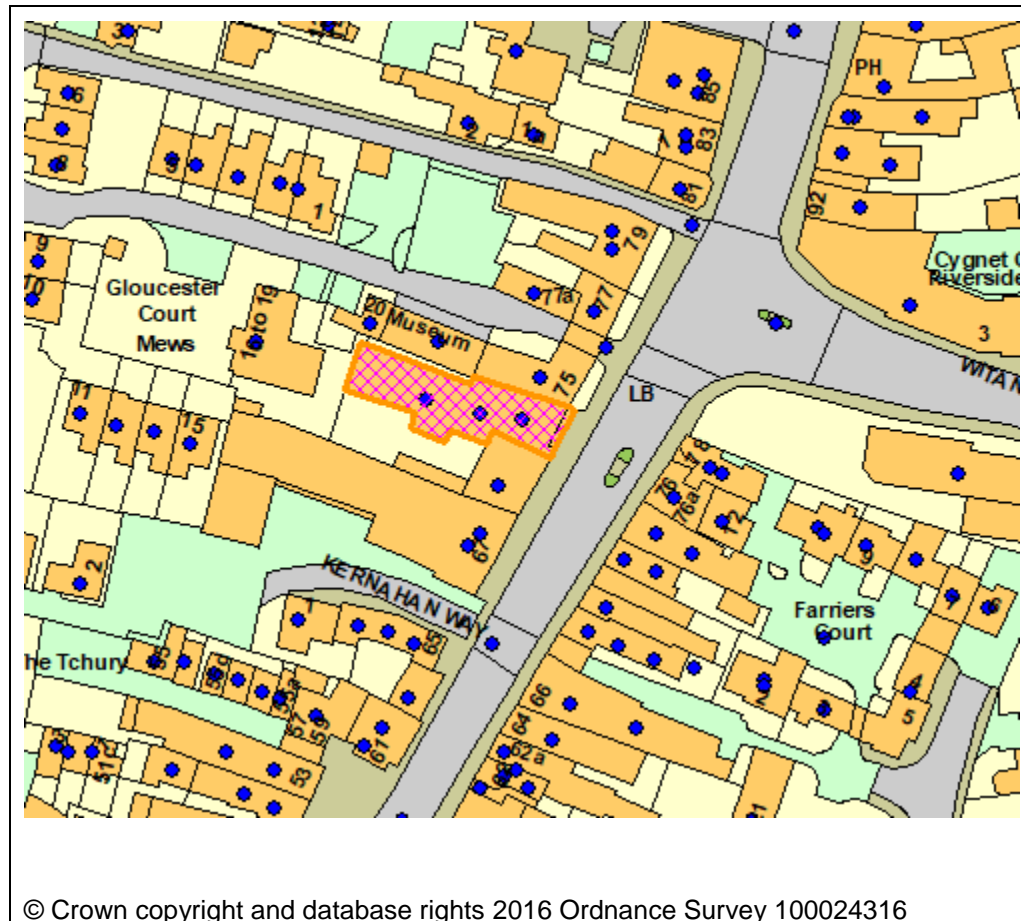
Please note that:

- I. 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>	<b>Officer</b>
1	20/01766/FUL	73 High Street Witney	Stuart Mclver
2	20/03185/FUL	Hacketts Wesley Walk	Miranda Clark
3	20/03365/FUL	Ducklington Farm Course Hill Lane	Chloe Jacobs
4	20/03561/FUL	Unit 1 - 6 Lakeside Industrial Estate	Chloe Jacobs
5	21/00228/FUL	Land South Of Milestone Road	Abby Fettes
6	21/00856/HHD	9 Holloway Lane Minster Lovell	Esther Hill
7	21/00622/FUL	Land North East Of 77 Abingdon Road	Miranda Clark

Application Number	20/01766/FUL
Site Address	73 High Street Witney Oxfordshire OX28 6JA
Date	12th May 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435706 E 210041 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Conversion of storage area to two new dwellings. Alterations to include reduction of retail space and erection of external metal staircase to provide access to the two existing flats above (amended plans).

### Applicant Details:

Mr Andrew Ledbury  
73 High Street  
Witney  
Oxfordshire  
OX28 6JA

## I CONSULTATIONS

Parish Council	<p>Witney Town Council objects to this proposal as there is insufficient associated parking and because of local resident knowledge on current parking practices and concerns about the potential for knock-on impacts in terms of unauthorised parking in the vicinity. This included the risk of more frequent (Just-in-Time) deliveries to the retail outlet due to the loss of storage area. Whilst the Town Council acknowledges the OCC Highways comments, they do not change the Town Council's position or initial response to the application.</p>
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.</p> <p>The application involves the loss of retail floorspace which has a notional ' parking space value' greater than that associated with the 2 x 1 bed flats that replace it. In any case, this is a town centre application where the proposed occupants have access to a wide range of services and good public transport links within easy walking distance making it suitable for car free development.</p> <p>Recommendation:</p> <p>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.</p>
WODC Drainage Engineers	Additional information required.
WODC Building Control Manager	No objection.
Conservation Officer	No objection.
Newt Officer	No objection.
WODC Drainage Engineers	No objection to the additional information submitted on 22/04/2021 subject to condition.

## **2 REPRESENTATIONS**

Four objection comments have been received. These comments have been summarised as follows:

- Lack of parking provision
- Increase in unauthorised parking
- Blocking access for emergency vehicles
- Increase in deliveries and delivery vehicles
- Highway safety
- Hours of construction
- Noise and disruption from construction process
- Inaccurate plans
- Overlooking
- Loss of privacy
- Party wall act
- Impact of building work on adjacent buildings

Two general comments have been received. These comments have been summarised as follows:

- Party wall act
- Impact of building work on adjacent buildings
- Inaccurate plans

## **3 APPLICANT'S CASE**

3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.2 The property lies within an area of mixed usage, including retail, commercial, residential and eating establishments.

3.3 It could be argued the current proposal could potentially reduce the pressure for on street parking by converting the use of these parts of the building to residential use. It is our view that the change of use to residential will not result in any material increase in the need for parking when compared to the existing use.

3.4 The reduction of retail area and associated storage space will not result in changes to staffing numbers but will allow the business to be more efficient and effective in the current and foreseeable difficult high street market conditions faced by all retailers.

3.5 Overall, it is considered the proposed use will bring more of the building into a residential use and reduce the amount of commercial activity in accordance with the relevant policies of the adopted West Oxfordshire Local Plan 2031.

3.6 The applicant's agent has also submitted a response to the Town Council's comments. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.7 As with most high street bricks and mortar shops Peter Ledbury Ltd's business model is changing to an increasingly more online business as they have faced very stiff competition from their fellow competitors over the last few years. This has forced them to require their shop to decrease in size in order to remain in the business long term, decreasing overheads by converting the unused storage space into revenue producing accommodation.

3.8 The point made by the Town Council regarding increased deliveries from the Euronics supplier is not entirely accurate as the shop receives three deliveries per week which will not change after the proposed development, however what will change will be the size of these deliveries. At present often forty units are delivered at one time regarding a considerable amount of unloading time in order to load these items into the warehouse, which is done by hand with sack trucks. In future after the proposed development, these deliveries, although still three times per week, will be somewhat smaller in quantity, therefore it will reduce considerably the unloading times.

3.9. We would like to finish by pointing out that this project is not a money-making project for Peter Ledbury Ltd to sell on as soon as it is completed, it is an attempt to keep the business viable for the future and to keep on doing what they have done for the last fifty years.

#### **4 PLANNING POLICIES**

WIT5NE Witney town centre strategy

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH7 Flood risk

EH10 Conservation Areas

E1NEW Land for employment

T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The proposal seeks consent for conversion of storage area to two new dwellings. Alterations to include reduction of retail space and erection of external metal staircase to provide access to the two existing flats above (amended plans).

5.2 The application relates to 73 High Street, a property located within the secondary shopping frontage of Witney Town Centre. The property has a mixed used consisting of retail and residential and is located within the Witney and Cogges Conservation Area.

5.3 Relevant planning history:

14/1269/P/PD - Conversion of existing first & second floor offices to create two flats - P2NRQ - Prior Approval Not Required.

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
- Conservation Area
- Residential Amenity
- Highways

### **Principle**

5.5 Policy H2 of the adopted West Oxfordshire Local Plan 2031 (WOLP) permits the provision of new dwellings on previously developed land within the built up area of Witney provided that the loss of any existing use would not conflict with any other plan policies and complies with the general principles set out in Policy OS2.

5.6 Policy E1 of the WOLP is generally protective of existing employment sites unless the site is considered inappropriate on amenity, environmental or highways safety grounds for employment uses, amongst other circumstances. Due to the retention of the retail use on the ground floor of the property, and that some storage space is to remain, your officers consider that an employment use will still exist on the site, and as such the function, vitality and viability of the town centre are also being retained. Further, the proposed development would also be providing much needed and in demand smaller one bed properties. As such, your officers consider that the principle of converting the storage space to residential is acceptable subject to consideration of the matters below.

### **Conservation Area**

5.7 Within a Conservation Area, officers are required to take account of 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 Council's Conservation Team were consulted as part of the planning process and raised no objection to the proposal. Your officers consider that the proposed changes are minor, including new fenestration such as windows and doors and repairs to inward-facing elevations of existing outbuildings, and the provision of a modest external staircase. With regard to visual amenity. These changes would not be prominent beyond the immediate site.

5.9 In light of above, the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

### **Residential Amenity**

5.10 Third party representatives have objected to the proposal on account of possible overlooking and loss of privacy from the proposed dwellings. Your officers consider that whilst the proposed dwellings are in relative proximity to surrounding properties, this is not an uncharacteristic feature for residential dwellings within this part of the town centre. Given that there are many other similarly located residential dwellings sited behind the shopping frontage along both sides of the High Street and within

proximity to surrounding properties, your officers consider that the proposed dwellings will not have a detrimental impact on overlooking or loss of privacy.

5.11. Third party representatives have objected to the proposal on account of the possible impact the building work may have on adjacent buildings. Whilst the proposed building work is minor, this is not a material planning consideration and would be assessed during the building control process.

5.12 Third party representatives have objected to the proposal on account of an increase in noise and disruption during the construction process, and hours of construction. Whilst this is noted, given the minor scale of the proposed development, your officers consider that the level of noise and disruption will not have a significant detrimental impact on residential amenity and that it would be unnecessary to include a condition restricting the hours of construction.

5.13 Third party representatives have also objected to the proposal on account of the party wall act. However, boundary disputes and the party wall act are deemed a civil matter, and as such are not a material planning consideration.

### **Highways**

5.14 Third party representatives and the Town Council have objected to the proposal on account of highway concerns including a lack of parking provision, an increase in unauthorised parking, highway safety, an increase in deliveries and delivery vehicles, and the blocking of emergency vehicles to Gloucester Court Mews. Oxfordshire County Council Highways were consulted during the planning process and stated that the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. Further, the application involves the loss of retail floor space which has a notional 'parking space value' greater than that associated with the 2 x 1 bed flats that replace it. In addition, this is a town centre application where the proposed occupants have access to a wide range of services and good public transport links within easy walking distance making it suitable for car free development. In summary, Oxfordshire County Council, as the Local Highways Authority, raise no objection to the proposal.

### **Conclusion**

5.15 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4 H2, EH7, EH10, EI, T4, and WIT5 of the adopted 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.

4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, finished floor levels and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment and Planning Practice Guidance). If the surface water design is not agreed before works commence it could result in abortive works being carried out on site or additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.

#### INFORMATIVES :-

1 There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - CIRIA C753 SuDS Manual 2015

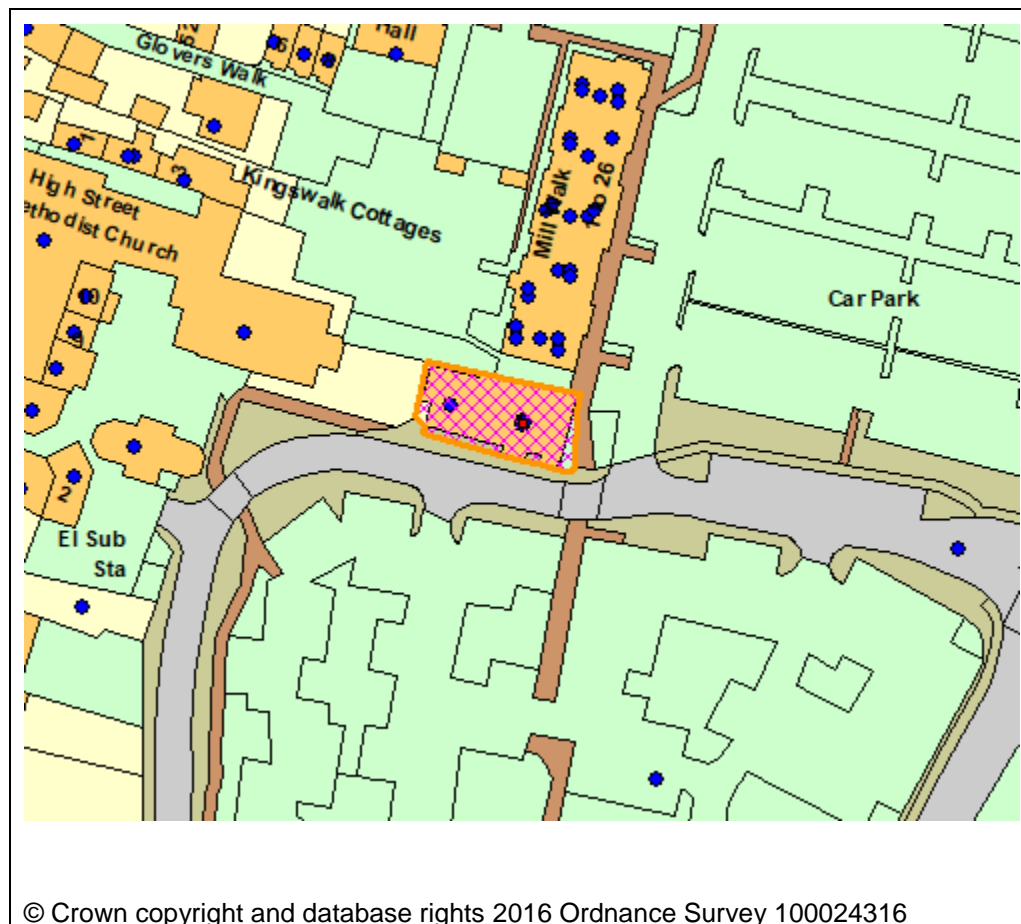
## Notes to applicant

- 1 There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.
  
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  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - CIRIA C753 SuDS Manual 2015

**Contact Officer:** Stuart McIver  
**Telephone Number:** 01993 861663  
**Date:** 12th May 2021

Application Number	20/03185/FUL
Site Address	Hacketts Wesley Walk Witney Oxfordshire OX28 6ZJ
Date	12th May 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435755 E 209860 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Demolition of existing single storey side & rear extensions. Erection of new two storey side extension. Change of use for ground floor from A3 to A1 & to C3 on first & second floors to allow creation of 7 flats (amended plans).

**Applicant Details:**

Mr Somaiya  
97 Cogges Hill Rd  
Witney  
OX283XU

**I CONSULTATIONS**

Parish Council	Witney Town Council has no objection to the application in principle but would like clarification that the storage area and cycle store is accessible for the flats and not just the retail unit on the ground floor. Additionally the Town Council does not object subject to a favourable biodiversity report.
OCC Highways	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
WODC Drainage Engineers	No Comment Received.
Conservation Officer	No objection
Biodiversity Officer	No objection subject to conditions and informatives
WODC Env Health - Lowlands	I have No Objection in principle.
WODC Planning Policy Manager	No Comment Received.

**3 2 REPRESENTATIONS**

2.1 No third party comments have been received.

**3 APPLICANT'S CASE**

An email from the agent with the revised plans has been summarised as;  
I have been engaged by Maple homes to provide a more cohesive design for the scheme and a design that works not only for yourselves, but economically and from a buildability perspective.  
It was clear that the original survey was inaccurate, and with such a lovely building it deserves the attention of a detailed survey picking up the historical architectural features and retaining wherever possible.

I agree with the comments that the raising of the roof and provision of units wholly within the roof space is undesirable and provides sub-standard accommodation.

The new design for 7 units takes one unit off of the proposed scheme, and is one more than the current permission. We have 2 two bed flats, and 5 one bed. The second floor units each have a small mezzanine area for home study/work space and this allows the existing internal roof features to be exposed and showcased. Each would require a rooflight but these are all to the North elevation which is barely visible from more aspects.

The new layouts seek to preserve much of the internal masonry brick walls as possible, with the smaller units the thick (party walls) feature arches and fireplaces can be retained rather than ripped out and lost as shown in the current approved design.

There is a local shortage of one bed flats, and these will help with demand in what is a very sustainable town centre location and certainly enhance this building much more than the permission that exists, which will fill the upper floor with sterile featureless boxes.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH10 Conservation Areas

EH3 Biodiversity and Geodiversity

E6NEW Town centres

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

#### **4 5 PLANNING ASSESSMENT**

##### **Background Information**

The application site is located within Witney Town Centre, and is part of the secondary shopping frontage of the town centre. It is also within the Conservation Area. The existing building is located within a prominent corner location within the Witan Way car park and sits within a small parade of existing commercial uses. The ground floor part of the building was formerly in a cafe/restaurant use.

Permission was granted in 2020 to permit the creation of six flats under planning application 20/01083/FUL.

Members may recall that this application was deferred from last month's meeting to enable amended plans to be assessed.

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**

Previously your officers considered that whilst the principle of residential use is acceptable in this location under Policy OS2 and E6, your officers did not consider that the proposal would comply with all the general principle stated within Policy OS2. In particular your officers considered that the proposal was not of a proportionate and appropriate scale to its context having regard to the potential

cumulative impact of development in the locality and does not conserve and enhance the natural, historic and built environment.

However, the revised plans, are considered to be more of an appropriate scale having more of a regard to the historic and built environment.

The application proposal will retain the use of the ground floor of the existing building of a commercial use.

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

The original proposal sought to increase the height of the existing roof of the building to get an additional two flats in the roof space. Given that the second floor extension, when approved in 2004 was considered to be of a standalone architectural form, your officers considered that by extending the height, albeit by 700mm, and adding windows and rooflights will adversely affect the proportions of the existing building.

In addition the layout of the additional flats in the roof space resulted in very small units with minimal natural light and the sloping ceilings meant that head height was restricted.

The revised plans now show a reduced scheme, of seven units, two, two bed flats and five, one bed flats. The second floor units each have a small mezzanine area for home study/work space and this allows the existing internal roof features to be exposed and showcased. Each would require a rooflight but these are all to the North elevation. which is barely visible from most aspects. In addition the new layouts seek to preserve much of the internal masonry brick walls as possible. With the smaller units the thick (party walls) feature arches and fireplaces can be retained rather than removed and lost as shown in the current approved design.

At the time of writing your officers are seeking minor alterations to the overall design. Officers will verbally update Members at the meeting.

As such your officers consider that the impact to the existing street scene will not be adversely affected. The proposed changes to facilitate the proposed accommodation are not considered so transformative to the standalone architectural form.

### **Conservation Area**

Since the application site is within a Conservation Area, officers are required to take account of 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.

Your officers consider that the proposed changes of mainly window forms and an increase in numbers will enhance and preserve this part of the Conservation Area, and will not be detrimental to the views within this part of the Conservation Area.

## **Highways**

OCC Highways were consulted as part of the application process and have no objection in terms of parking, due to the Town Centre location, or highway safety issues.

However, your officers are concerned that given no on site parking is provided, that the additional flats will use the adjacent West Oxfordshire District Council car parks which will put extra pressure on town centre car parking, to the detriment of the vitality and viability of town centre which is contrary to the provisions of policy WIT5. However given that the scheme now proposes one flat less than the original submission, and that a previous application for six flats has already been approved, your officers do not consider that it would be reasonable to request financial contributions towards public car parking provision.

With regards to the Town Council's comments, the storage and cycle area will be for the use of the proposed occupiers of the flats.

## **Residential Amenities**

Your officers have some concerns regarding the impact that some of the new openings and the accommodation that they will serve, to the neighbouring building. Clarification is being sought with the agent, and your officers will verbally update Members at the meeting.

## **Ecology**

After further photographs were submitted of the roof space, your ecology officer has no objections to the proposal.

## **Conclusion**

In view of the revised plans your officers consider that the proposed alterations will not adversely affect the visual appearance of the existing modern architectural design building. It is your officers' views that the proposal will enhance or preserve this part of the Conservation Area. As such the proposal is considered to be compliant with Policies OS2, OS4, WIT5, WIT6 and EH10 of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs 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 Before occupation, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and 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 integrated within the new external walls or mounted onto existing walls, 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 dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity

enhancement in accordance with paragraphs 170, 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.

5 Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that 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 :-

1 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.

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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).

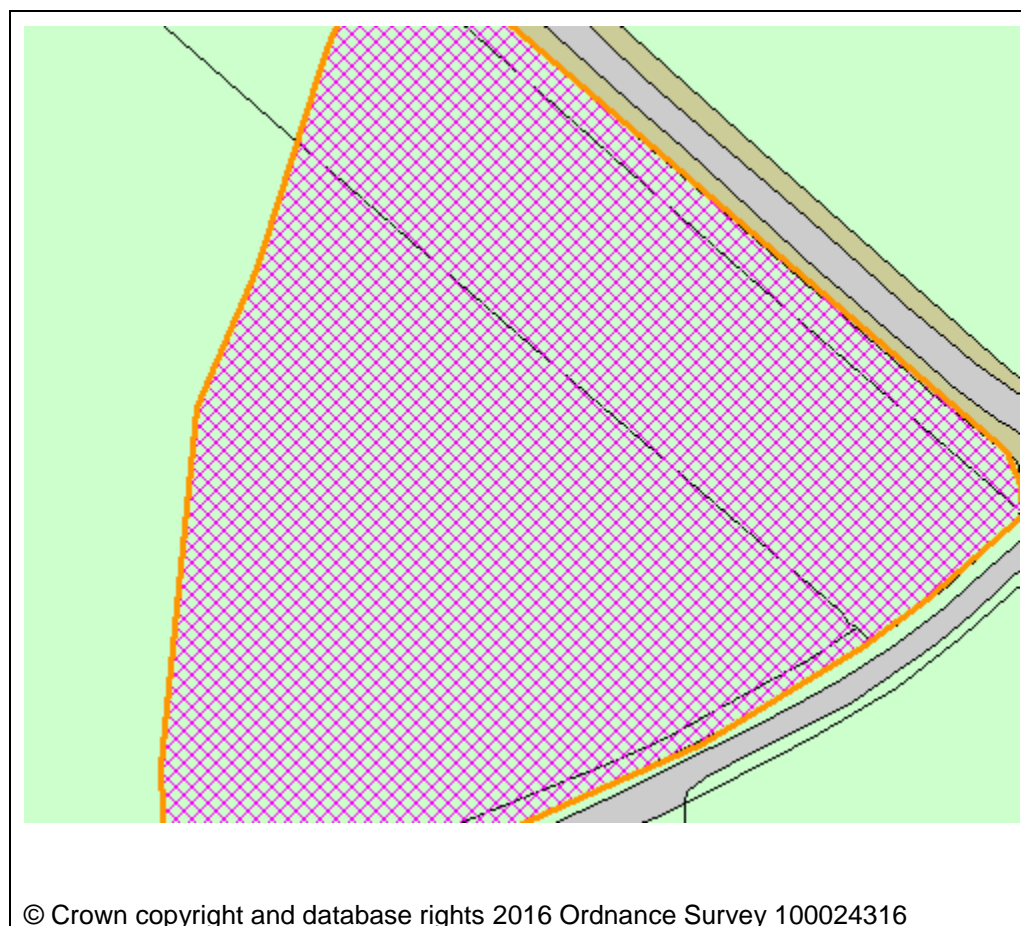
**Contact Officer:** Miranda Clark

**Telephone Number:** 01993 861660

**Date:** 12th May 2021

Application Number	20/03365/FUL
Site Address	Ducklington Farm Course Hill Lane Ducklington Witney Oxfordshire OX29 7YL
Date	12th May 2021
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Ducklington Parish Council
Grid Reference	434310 E 207429 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Erection of a new farm shop and cafe

**Applicant Details:**  
J E Strainge And Sons  
C/o Agent

## I CONSULTATIONS

MOD MOD (Brize Norton)

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 10th February 2021.

The applicant is seeking full planning permission to erect a new farm shop and café. The application site is approximately 4.45km from RAF Brize Norton and occupies Birdstrike statutory safeguarding zone.

Birdstrike statutory safeguarding zone:

Within this zone, the principal concern of the MOD is the creation of new habitats may attract and support populations of large and or, flocking birds close to the aerodrome. The proposal is for the erection of a farm shop and café and includes a balancing pond. These have the potential to result in the availability of food waste for scavenging birds. Therefore, lidded bins should be provided, and a comprehensive good housekeeping policy should be in place to clear tables promptly, empty bins as necessary and litter pick.

The proposed attenuation pond will be adjacent to the car park and surrounded by shrubs and specimen trees, with marginal planting. If the attenuation basin holds water on a regular or permanent basis, then this has the potential to attract and support hazardous waterfowl. Therefore, this basin should hold water only during and immediately after extreme rainfall, with a quick drain down time. If there is more regularly open water then the basin should be planted with vegetation in order to partially obscure the open aspect.

The MOD do not object to this application as long as there is a good housekeeping policy in place to ensure that no food waste is available to hazardous scavenging bird species, and that the attenuation basin holds water only during and immediately after an extreme rainfall event, with a quick drain down time, or that it is vegetated with marginal and aquatic vegetation in order to obscure the surface.

Summary:

I can confirm the MOD has no safeguarding objection to this proposal provided our recommendations and assurances are adhered to.

OCC Highways

No objection subject to conditions

WODC Planning Policy  
Manager

There are a number of relevant policies concerning this application, potentially the most pertinent being Policy E2 which relates directly to supporting the rural economy. Construction of a farmshop contributes directly to the diversification of the existing farm business so in this case the construction of a new building is also supported. The policy also states that the shop will be subject to conditions limiting the proportion of goods not produced at the farm or farms in the immediate vicinity. The proposal states that ~20% of the produce sold in the shop will be from the farm with a further 30% coming from a 30 mile radius (the remaining 50% from national providers). It might be prudent to include a condition specifying the proportion of goods that can be stocked from beyond the local area. If a majority of produce can't be sourced locally this might suggest that the shop/café is unsustainable at the proposed size and should be scaled back. Given the location, it is unlikely to impact the "Viability and vitality" of existing shopping provision.

With regards to design and siting the placement of the shop in a small village would normally preclude this type of development however, as mentioned above, this contributing to the diversification of an existing farm business circumvents this restriction. It is also important to consider the scale and context of the development, as the location is remote the only surrounding structures are the farmhouse and hotel themselves. The location does cause other issues however, the site is primarily accessible via a main road, whilst it is possible to access by walking or cycles the distance and lack of infrastructure may discourage this. The DAS shows an ambitious, modern design using energy efficient materials and techniques and shows significant enhancements to the productivity and biodiversity of the land. The location is easily accessible by road and providing cycle parking at the site should encourage the use of sustainable travel. Whilst the location is within easy walking distance from Ducklington it is quite distant from Witney which may encourage more travel by car. It is also worth noting that the traffic survey was taken during a period of national lockdown and may not necessarily reflect normal traffic levels.

OCC Rights Of Way Field  
Officer

I have no further objections going forward with this application.

WODC Business Development

I have reviewed this application again in the light of further information received from the applicants' agents.

In my previous response I set out my support for the principle of a farm shop but expressed concerns that 50% of the goods sold would not be locally produced. Farm shops should be the ultimate in local food. Generally, farm shops start small with 'farm gate' sales of

produce from the farm, move on to selling out of a small shed for limited hours and they expand as the levels of produce and the local demand grow. This proposal is starting with a large premises which would appear to be much larger than the volume of produce the farm is capable of filling it with. There is mention of creating 8 - 10 full time jobs just with the farm shop. This is an ambitious project that (in the absence of a proper business plan for the farm shop itself) appears to carry very significant overhead costs and that then needs to sell a far wider range of produce than can be sourced locally to cover those costs.

Since the application was received, the applicant's consultants have suggested a 'scaled' approach to reducing the distance the produce is sourced from over time. There is no evidence to back up how these figures are arrived nor why it is necessary to sell national produce at a local farm shop.

The applicants have also submitted an 'Additional Information' document where the emphasis is on local food - an outlet for produce grown on the farm or locally. I support the fact that it will generate an additional revenue stream for the farm, that it could create new employment opportunities (although I think that 8 - 10 new FTE jobs for a farm shop is unrealistic), support other local food producers and I support the collaboration with a local butcher. That all makes sense and I am supportive to that point. However, the document does not address my initial concerns which were that a significant proportion of goods sold would not be local. The key point of a farm shop is to sell produce from the farm and that which is produced locally. With the greatest respect in the world, the shop does not need to sell water buffalo ice cream from another farm 72 miles away - that goes against the ethos of local food and what a farm shop should be. I support the principle of a farm shop and the local aspect but maintain that the produce should all be from a set distance from the farm. I have concerns that the business plan for a farm shop of this size could be flawed if it is so reliant on non-local produce to be viable.

ERS Env. Consultation Sites

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

I have no major concerns in relation to the proposed development however, given the proposed change from agricultural to commercial use, please consider adding the following condition to any grant of permission as a precaution.

WODC Env Health - Lowlands

I have No Objection in principle.

We would normally expect to see some information around the

details of the proposed cafe's kitchen extract ventilation system (treatments to remove cooking odours) and technology to control noise (fan noise, flue etc) to the appropriate industry standards. Will this be forthcoming?

OCC Lead Local Flood Authority

No objection subject to conditions

Adjacent Parish Council

The Parish Council comment as follows:

There is general support for a farm shop but with reservations over the possible impact of traffic:

- Concern over the effect of increased traffic on the staggered crossroads junction on the A4095 at Curbridge that will also actually serve this site;

- Safety for pedestrians at a busy junction;

- Traffic joining from and accessing a minor road (referred to as Coursehill Lane in the application);

- The traffic survey was conducted during the November 2020 lockdown period so may not be representative plus the road has since undergone roadworks with further works planned in April 2021 (TTRO T8578).

Parish Council

Councillors have " No comments"

Biodiversity Officer

I have reviewed the amended Extended Phase I Habitat Survey report (prepared by 4 Acre Ecology Limited and dated 17th March 2021) and have also discussed this with Scott Probert (Newt Officer). I have the following comments with recommendations for conditions and informatives.

Protected and priority species

Bats and birds

There are no roosting opportunities for bats on site but it is likely that bats use the hedgerows for commuting. I therefore recommend that a sensitive external lighting strategy is prepared to ensure that vegetation along the site boundaries and within the site is not illuminated by the external lighting. The details of the external lighting should be submitted to the LPA as a condition of planning consent.

Through discussions with the ecologist, I also understand that the site is unsuitable for ground nesting birds, such as skylarks (as questioned

in my previous response). The report further states that any clearance of vegetation (such as hedgerows) is to be undertaken outside of the nesting bird seasons and if this is not possible then an experienced ecologist will need to carry out a nesting bird check before the vegetation is removed. This is satisfactory.

I further recommend that bat and/or bird boxes (e.g. swift bricks) are provided as biodiversity enhancements. This is also recommended within the ecology report. These features can be integrated into the new walls of the building. The details of the new roosting and/or nesting features, including elevation plans and the specific designs, should be submitted to the LPA as a condition of planning consent.

#### Amphibians (including great crested newts) and reptiles

My previous comments highlighted the need for further information regarding great crested newts. However, after further discussions with the ecologist as well as the Newt Officer (Scott Probert), I consider that a Precautionary Working Method Statement (PWMS) would be sufficient due to the water bodies surrounding the site being dry (and have been dry for the past few years, as confirmed by the landowner) but with there still being a lack of barriers in the landscape to link the site to other waterbodies. The amended ecology report is sufficient in that satisfactory precautionary measures are provided. The works will need to be carried out in accordance with these measures.

The site is also located within the amber impact zone, as per the modelled district licence map for great crested newts, indicating that there is suitable great crested newt habitat in the surrounding area. I therefore also recommend for a specific informative to ensure harm is avoided if any great crested newts are found during construction.

The report notes that the site offers poor habitat for reptiles and it is unlikely that reptiles are present. I would consider the above precautionary working to be applicable to reptiles if any occur on site during the works.

#### Badgers and hedgehogs

I understand that there was no evidence of badgers on site. However, the report still recommends precautionary working for the species and this is satisfactory. The precautionary working would also be applicable to hedgehogs.

I recommend that hedgehog gaps/holes are provided within any walls or fences to ensure that the species can continue to move through the site. The specific details of hedgehog gaps/holes, including locations on site and the specific design, should be submitted to the LPA as a condition of planning consent.

#### Habitats and landscaping

The site comprises improved pasture field with hedgerows along the eastern and southern boundaries. A recently created plantation woodland is present along the north-eastern part of the site. I understand that the new access road will require the removal of 20 metres of hedgerow along the eastern boundary. I previously highlighted my concerns with this, however, I now understand that the access arrangements are justified within the Transport Statement (prepared by Pegasus Group and dated November 2020) and I consider the access arrangement acceptable in this case.

To compensate for the loss of hedgerow habitat, I recommend that the existing hedgerows are enhanced and that new habitat is created. Through reviewing the Illustrative Landscape Masterplan, I understand that habitats will be created such as wildflower grassland, wetland grassland meadows, an attenuation pond (which should include features for biodiversity) as well as tree and shrub planting. As stated above, I also recommend that the landscaping includes the infilling of the existing hedgerows with locally characteristic, native species. I also recommend for hibernacula features to be created on site. Furthermore, I advise that the attenuation pond is left to colonise naturally for 2 years before plants are introduced and then planting (of native, locally characteristic species) can be carried out if necessary to supplement the vegetation that has colonised.

A comprehensive landscaping scheme should be prepared to detail the habitat features that are to be enhanced and created on site, along with a 5-year maintenance plan. The landscaping scheme will need to be submitted to the LPA as a condition of planning consent.

I further recommend that a Landscape and Ecological Management Plan (LEMP) is prepared and submitted. The report should further identify the aims and objectives and inform the ongoing, long-term management for the hedgerows and other features (e.g. tree planting) on site. The report will need to be submitted to the LPA as a condition of planning consent. Please note that I have recommended for the LEMP report to be submitted as a pre-commencement condition of planning consent. This will need to be agreed with the applicant.

I therefore recommend the following conditions and informatives.

Newt Officer

No Comment Received.

## 2 2 REPRESENTATIONS

2.1 103 letters of representation have been received in support of the application. A number of which have been received from people living outside of West Oxfordshire.



100 of these letters have been made in support of the application and can be summarised as follows:

- o Boost Local area's economy
- o Good access to local produce
- o Good to support local businesses and enterprises
- o Ideal location
- o Add tourism to the area
- o The building would be in keeping and complement its surroundings
- o The shop will benefit local farmers and producers
- o Help reduce food miles

3 of these letters are general comments and can be summarised as follows:

- o It would be of great benefit if there was a permissive footpath from the village of Ducklington to the farm to allow for environmentally friendly visits via foot.
- o The two Automatic Traffic Count (ATC) surveys were commissioned between Friday 6th November 2020 and Thursday 12th November 2020 during the Covid-19 Lockdown and therefore data cannot be truly reflective of 'normal' conditions.
- o Highways safety and convenience
- o Only 20% of produce sold is from the farm, the remaining produce is from over 30 miles to nationally produced. This distribution appears to be contra to the policies laid out in both the National Planning Policy Framework (Sections 108 - 110) and the WODC Local Plan 2011 - 2031 (Policy T1 - Sustainable Transport)

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

The applicant has submitted a Planning Statement and a Design and Access Statement as part of their application. The Planning Statement can be concluded as follows:

Full planning permission is sought for a farm shop and café at Ducklington Farm in the District of West Oxfordshire.

This submission, including its supporting material, demonstrates that the proposal represents suitable and essential rural diversification which is supported by local and national planning policies. A number of conditions have been suggested which will ensure that the use remains as a farm shop connected to Ducklington Farm.

The key benefits of the scheme are:

- o The provision of a well-designed farm shop and café and local tourist attraction which will be supported by local members of the community;
- o Provision of locally sourced home grown produce;
- o The creation of 13-15 FTE jobs;
- o Supporting rural diversification and the local economy as encouraged by DEFRA and grants issued by RPA;
- o Provision of additional educational and volunteering opportunities;
- o Ecological enhancement within pleasant-landscaped areas; and
- o Ensuring future-proofing of Ducklington Farm for years to come.

It has been demonstrated that the impacts of this use will be minimal on the surrounding area and are capable of being satisfactorily mitigated to ensure that they remain as such, including controlling the hours of operation.

It is considered that the proposal will become a local asset and will continue to support the rural economy and community in future years as set out as an objective of the Framework and the Local Plan. It will also provide a viable business operation for this family-run farm ensuring that they can future proof their business for years to come.

It is, therefore, respectfully requested that planning permission is granted for the proposal at the earliest opportunity.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

EH2 Landscape character

EH3 Biodiversity and Geodiversity

T3NEW Public transport, walking and cycling

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **5 Background Information**

This application seeks planning permission for the erection of a farm shop and café including associated car parking facilities, service area, landscaping and an outdoor children's play area.

The site comprises part of an open agricultural field measuring 1.79 ha in area which sits adjacent to and forms part of Ducklington Farm. Ducklington Farm comprises a number of agricultural buildings for the housing of livestock (cattle, goats, chickens, pigs and lambs), storage of hay and straw and machinery. Ducklington Farmhouse operates as a bed and breakfast with the addition of a self-catering apartment, the "Shepherds Rest" located within the grounds. Ducklington Farm is also a certified Caravan and Camping Club with a well-kept grass paddock and electric hook up pitches

The application site is not located within an Area of Outstanding Natural Beauty or Conservation Area nor are there any public rights of way within the site.

The application is before Members of the Lowlands Planning Sub-committee for consideration as your officers recommendation is contrary to the Parish Council's response in accordance with the scheme of delegation.

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

Siting, Design and Form

Impact on the landscape/open countryside

Highways

Residential Amenities

## **Principle**

Within open countryside, Policy OS2 states that proposals for non-residential development will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. It goes on to state that non-residential development that is regarded as appropriate will include:

- o Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- o Proposals to support the effectiveness of existing businesses and sustainable tourism;
- o Development which will make a positive contribution to farm and country estate diversification; and
- o Telecommunications development sited and designed to minimise impact upon the environment

Policy OS2 also 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 provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities and conserve and enhance the natural, historic and built environment.

This application seeks to erect a large new building within the open countryside which is not considered to be of an appropriate scale within this rural, open countryside location nor is it considered to form a logical compliment to the existing scale and pattern of development given that it is to be sited away from the existing farm business and existing buildings, on an adjacent parcel of land.

The later criteria of Policy OS2 supports non-residential development which includes proposals to support the effectiveness of existing businesses and sustainable tourism or where it forms part of a farm and country estate diversification. This is further explored in policy E2.

Policy E2 of the adopted Local plan seeks to support the rural economy. It states, inter alia, that:

Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they:

- o are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and
- o remain compatible and consistent in scale with the farm/estate operation and a countryside location; and
- o re-use existing buildings where feasible in accordance with Policy E3.

Any new building(s) must be suitably located for the scale and type of the proposed use and have regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area.

Farm shops will be permitted where there they form part of a diversification scheme to sell produce from the farm or farms in the immediate vicinity and do not demonstrably undermine the viability and vitality of shopping provision in existing villages.

Paragraph 83 of the NPPF also identifies the importance of sustainable growth and expansion of all types of business in rural areas including the diversification of agricultural and other land based rural businesses.

The Local Plan advises that proposals for farm shops will be assessed to ensure that they are proposed to be a genuine retail outlet of agricultural produce from the local area. As part of this application it is proposed that within the first year of production, only 25 percent of produce sold within the farm shop would be sourced from Ducklington Farm itself, with a further 30 percent proposed to come from local suppliers. This would mean that 55 percent of produce sold at the farm shop would come from anywhere between 20 miles and nationally.

Proposed breakdown of goods:

Sourcing Area	% of Product Years 0-2	% of Product Years 3-5
Farm - 0 miles	25	30
Local – less than 20 miles	30	35
Regional – less than 40 miles	30	25
National – greater than 40 miles	15	10

The documents submitted with the application suggest that limited goods/ produce (25%) would be supplied from the existing farm business because the farm doesn't produce enough produce to accommodate such a large retail unit. This would suggest that the farm shop/ café is too large and is therefore not compatible or consistent in scale with the existing farming operation.

These concerns have also been raised by WODC's Rural Business Development Officer who has made the following comments:

'Farm shops should be the ultimate in local food. Generally, farm shops start small with 'farm gate' sales of produce from the farm, move on to selling out of a small shed for limited hours and they expand as the levels of produce and the local demand grow. This proposal is starting with a large premises which would appear to be much larger than the volume of produce the farm is capable of filling it with. There is mention of creating 8 - 10 full time jobs just with the farm shop. This is an ambitious project that (in the absence of a proper business plan for the farm shop itself) appears to carry very significant overhead costs and that then needs to sell a far wider range of produce than can be sourced locally to cover those costs.

Since the application was received, the applicant's consultants have suggested a 'scaled' approach to reducing the distance the produce is sourced from over time. There is no evidence to back up how these figures are arrived nor why it is necessary to sell national produce at a local farm shop. The applicants have also submitted an 'Additional Information' document where the emphasis is on local food - an outlet for produce grown on the farm or locally. I support the fact that it will generate an additional revenue stream for the farm, that it could create new employment opportunities (although I

think that 8 - 10 new FTE jobs for a farm shop is unrealistic), support other local food producers and I support the collaboration with a local butcher. That all makes sense and I am supportive to that point. However, the document does not address my initial concerns which were that a significant proportion of goods sold would not be local. The key point of a farm shop is to sell produce from the farm and that which is produced locally. With the greatest respect in the world, the shop does not need to sell water buffalo ice cream from another farm 72 miles away - that goes against the ethos of local food and what a farm shop should be. I support the principle of a farm shop and the local aspect but maintain that the produce should all be from a set distance from the farm. I have concerns that the business plan for a farm shop of this size could be flawed if it is so reliant on non-local produce to be viable.'

Policy E2 clearly states that farm shops will be permitted where there they form part of a diversification scheme to sell produce from the farm or farms in the immediate vicinity and do not demonstrably undermine the viability and vitality of shopping provision in existing villages'. Your officers are of the opinion that given 50 percent of produce to be sold, is to be sourced from both regional and national suppliers that the proposed farm shop would not meet the criteria of policy E2.

In conclusion, whilst the support of rural enterprise is recognised, in both national and Local Plan policy, it is considered that the inherently unsustainable nature of this remote rural location renders a proposed development of this scale unacceptable, contrary to the aforementioned policies.

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

The proposed farm shop and café would be a rectangular building of a conventional modern design with a total floor area of 474 sqm (approximately 31m x 15m). The farm shop would comprise 214 square metres, an external covered seating area 83 square metres and kitchen space 21 square metres. The remaining 156 square metres would consist of elements such as a hallway and office. The building would be constructed out of materials which are traditional and are considered to be in keeping with the rural character and nature of the site.

Notwithstanding this, officers are of the opinion that the size of the building is not considered to be justified in relation to land production levels and the requirements of the farming enterprise. The building is also located remote from the existing farm complex, in an open field on the opposite side of the lane and as such would be visually intrusive in the landscape.

### **Impact on the landscape/open countryside**

Policy EH2 seeks to protect and enhance the natural environment and states that "new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape."

The new development proposes a large new building in the open landscape, remote from the existing farm complex with a 31 space car park, play area and a new access point off Course Hill Lane which will involve the removal of 24m of hedgerow. Whilst the site benefits from some screening from an existing hedgerow and will in time benefit from screening by recently planted saplings, the development will still be visually intrusive and harmful in this open rural landscape setting.

### **Highways**

Access to the site is provided from Course Hill Lane through the creation of a new, vehicular access point which would be taken from the eastern boundary of the site. A secondary access will be provided

from the existing Ducklington Farm access to be used as the delivery access for the site. It has been estimated that the site would have 6 service vehicles visiting the site per day and that these vehicles would be no larger than 7.5 tonne vehicles.

In addition to this, the application will provide car parking facilities to accommodate 31 parking spaces and the provision of 2 disabled spaces to the front of the site.

Some general comments/concerns have been raised in regards to the impact of the proposed scheme on the adjacent highway network.

OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

### **Residential Amenities**

There are no neighbouring properties within the immediate vicinity of the application site and therefore it is not considered that the proposed single storey farm shop and café would have a detrimental impact on neighbouring amenity.

### **Conclusion**

In light of the above, your officers are of the opinion that the nature and the scale of the proposed development does not fall within the scope of a farm diversification scheme as set out in Policy E2. As a result and by reason of its, siting, design and scale, the proposed development (including the café, parking area and outdoor children's play area) would be tantamount to an unfettered retail unit within the open countryside which is in conflict with Local Plan Policies OS1, OS2, E2 and E3. The development would also be visually intrusive and harmful to the open rural character and appearance of the site.

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

1 By reason of its siting, design, scale and location, and that 45 percent of goods would be supplied from anywhere between 20 miles and nationally sourced goods, the proposed development would not accord with Local Plan Policy E2 which states that 'farm shops will be permitted where there they form part of a diversification scheme to sell produce from the farm or farms in the immediate vicinity'. As a result, the proposed farm shop and cafe would be tantamount to a new unfettered retail unit within the open countryside which would conflict with Policies OS1, OS2, E2, EH2 and E3 of the West Oxfordshire Local Plan 2031.

2 By reason of its design, scale and siting within the open countryside, the proposed development would have a visually intrusive and harmful impact on the open rural character and appearance of the site and as such would conflict with Local Plan Policies OS2 and EH2 of the West Oxfordshire Local Plan 2031.

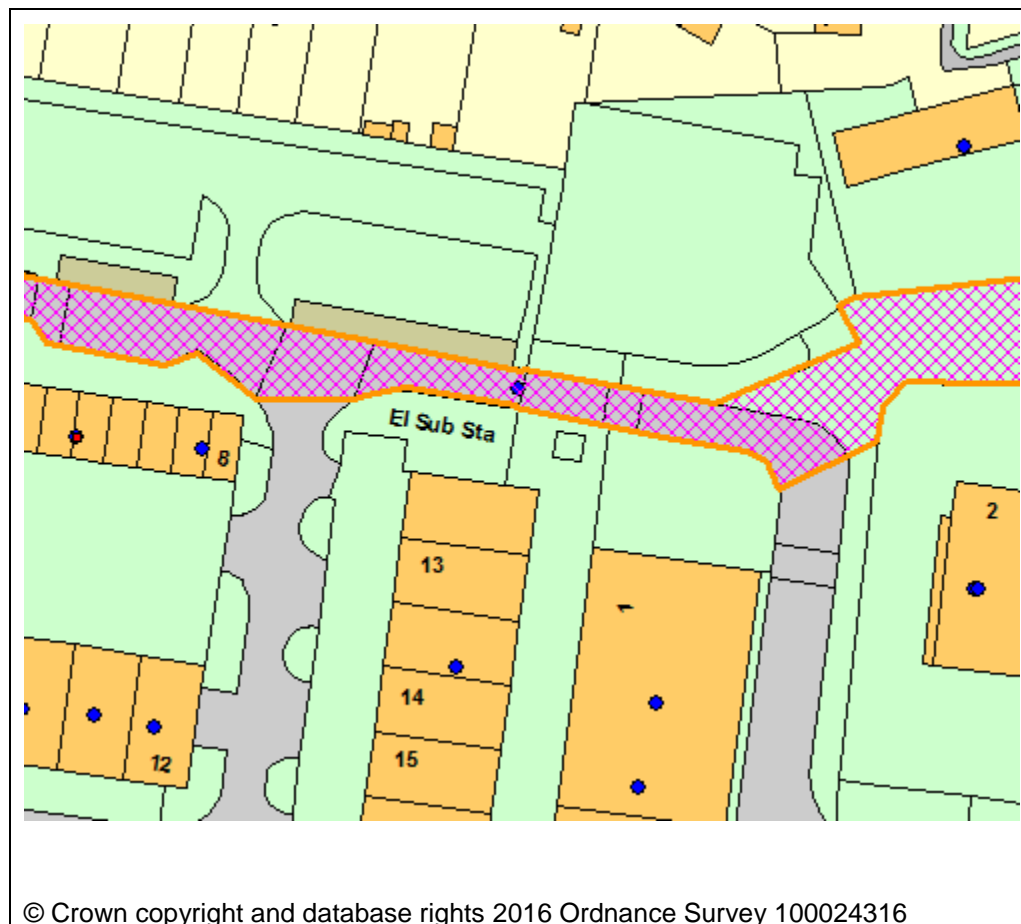
**Contact Officer:** Chloe Jacobs

**Telephone Number:** 01993 861697

**Date:** 12th May 2021

Application Number	20/03561/FUL
Site Address	Unit 1 - 6 Lakeside Industrial Estate Stanton Harcourt Witney Oxfordshire OX29 5SL
Date	12th May 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	440867 E 205535 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Change of use of existing class use B8 site to mixed class uses B1 and B8. Erection of two storage barns, an office building and ancillary amenity facilities together with associated car parking.

**Applicant Details:**  
Ms Charlotte Jackson  
C/O Agent

## I CONSULTATIONS

Parish Council	<p>The Parish Council are objecting to the application:</p> <p>As the details provided are very limited, the Parish Council have assumed that the application, if granted, will result in offices and a depot for traffic management equipment and that deliveries will be made to site daily. Despite making a request, no data regarding the increase in vehicle movements has been provided.</p> <p>The Parish Council insist that a Routing Agreement is enforced to prevent any HGV accessing the site from using the B4449 through Sutton village, which is not suitable for HGVs. More traffic on the B4449 is unacceptable as the present flow is already excess for the conditions of the road Sutton village has limited pavements and no formal crossing pointed making village life difficult for pedestrians particularly with regard to HGVs</p>
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>Recommendation:</p> <p>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</p>
WODC Drainage Engineers	<p>No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.</p>
WODC Env Health - Lowlands	<p>I have No objection in principle and no conditions to recommend.</p>
ERS Env. Consultation Sites	<p>The proposal is not situated on or near areas that have been identified as being of potential concern with respect to air quality. Therefore I have no objection in relation to air quality risks from this proposed development and will not be requesting planning conditions.</p>
WODC Planning Policy	<p>The policy considerations that should be taken into account are as</p>



Manager

follows:

There are 3 policies in the local plan which have significant relation to this application, Policy E1, Policy E3, Policy EH8.

Policy E1 relates to the positioning of employment development, as this site is on an existing industrial estate it makes sense for further employment development to be sited here. Policy E3 applies to the re-use and existing structures where possible, the only structure on this site which would be suitable for re-use is proposed for refurbishment as an amenity building within the application. Policy EH8 is concerned with the potential pollution from employment sites, in this case the primary concern would be noise pollution. B1 and B8 uses are only anticipated to create minor noise and given the location should not prove significant.

In summary this application is supported by all relevant policy.

## **2 REPRESENTATIONS**

2.1 No third party representations have been received.

## **3 APPLICANT'S CASE**

A Planning Statement was submitted with the application which states:

The land the subject of this application is formerly a transport depot sat within an employment site containing a range of buildings within the B1, B2 and B8 use classes.

The site has been cleared and is currently vacant. The application seeks to erect an office building and two storage barns, thus changing the use of the site to a mixed B1 / B8 use.

Policy E1 states that proposals to improve the effectiveness on existing employment sites will be supported, where commensurate with the scale of the area. In this case the proposal seeks to utilise a previously developed, vacant site, which will add to the offer of employment.

The nature of the use and scale of buildings proposed is considered to be commensurate with the scale of the existing uses at on the estate and reflects the character of the area.

The site will utilise the existing access and the hardstanding within the site is capable of providing operational and visitor parking in excess of the Council's required parking standards.

Being an existing industrial unit, and sat adjacent to other uses permitted in recent years that are closer to residential properties, the buildings are considered to be sufficiently set away from residential properties on Willowbrook and Foxbury Court to be considered acceptable in terms of residential amenity.

It is respectfully requested that this application is granted permission in accordance with the Local Plan policies referred to herein.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

EH8 Environmental protection

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

The application seeks planning permission for the change of use of existing B8 site to mixed class uses B1 and B8. Erection of two storage barns, an office building and ancillary amenity facilities together with associated car parking. The application site relates to units 1-6 at Lakeside Industrial Estate in Stanton Harcourt.

The submitted Planning Statement advises that the site would be occupied by Chevron Traffic Management Group. The site was previously used for B8 (storage and distribution) and is currently a vacant, open yard with hardstanding. A single storey building is located close to the southern boundary, together with a former fuelling station from its former use as a transport depot.

Lakeside Industrial Estate contains a wide variety of buildings under a range of permitted uses falling within the B1, B2 or B8 use classes.

The application is before Members of the Lowlands Planning Sub-committee for consideration as your officers recommendation is contrary to the Parish Council's response in accordance with the scheme of delegation.

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

Siting, Design and Form

Highways

Residential Amenities

### **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.

In regards to this application, your officers considered that the nature of the use and scale of buildings proposed is commensurate with the scale of the existing uses within the industrial estate and reflects the character of the area. In addition to this, given that Lakeside Industrial Estate is occupied by other industrial uses falling within the B1, B2 or B8 use classes, your officers are of the opinion that the proposed change of use of the site to allow for a mixed use of B1 and B8 is considered to be acceptable in principle.

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

The proposed development includes the erection of two storage barns, modular office building and ancillary facilities including a toilet block.

The office building would measure 12.2m by 6m and would consist of a flat roof. The building would be two storey and would measure 5.1m in height. The office building would accommodate a maximum of 10 employees.

The storage barn buildings would be 13.2m by 9m. The buildings would consist of a pitched roof and have an overall ridge height of 4.25m.

The existing building on site is to be refurbished for amenity facilities including WC facilities.

By reason of its siting design and scale, your officers are of the opinion that the proposed buildings are typical of that of an industrial estate and as such would be in keeping within the wider context of the site. The buildings would also be surrounded by varying types of existing industrial buildings and structures, which would prevent any extended views. The building would be read against the existing built form and is therefore not considered to give rise to any adverse impacts in regards to visual amenity.

### **Highways**

The site will utilise the existing access and the existing hardstanding within the site is capable of providing operational and visitor parking to accommodate the use of the site.

The Parish Council has objected to the application on highways safety and convenience grounds in that, the proposed development will result in excess levels of traffic coming to and from the site which would consequently have an adverse impact on the local highway network. In order to overcome these concerns, the Parish Council have requested a Routing Agreement is enforced to prevent any HGV accessing the site from using the B4449 through Sutton village.

Oxfordshire County Council Highways Authority has been consulted on the application and have raised no objections in regards to highways safety and convenience.

Whilst officers note the concerns raised by the Parish Council, given that OCC Highways have raised no objections to the proposed scheme in regards to highways safety and convenience, officers cannot justify a reason for refusal on the ground of highways.

In addition to this, your officers are of the opinion that a routing agreement would not meet the tests for imposing conditions as set out in the NPPF and Planning Practice Guidance. Your officers consider that requesting a routing agreement would be unreasonable especially given the existing B8 use of the site and the surround mixed B1, B2 and B8 use of the adjacent units within the Lakeside Industrial Estate.

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 of the West Oxfordshire Local Plan 2031.

### **Residential Amenities**

Given the nature of the proposed development and its location within an existing industrial estate and that the site is over 90m away from residential properties on Willowbrook and Foxbury Court, your officers are of the opinion that the proposed development would not give rise to any adverse impacts in regards to neighbouring amenity.

The reuse and adaptation of the site for B1 and B8 use is unlikely to lead to any discernible increase in noise or disturbance from its former lawful use as a transport depot. Therefore, the scheme is considered to be acceptable in this regard and would be in accordance with Local Plan Policy EH8.

### **Conclusion**

Taking into account the above matters the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS2, OS4, E1, EH8 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **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 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, details of the proposed water treatment measures and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate

(expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

**REASON:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

#### **INFORMATIVES :-**

0. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

#### **Notes to applicant**

I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

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- Code for sustainable homes - A step-change in sustainable home building practice
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2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

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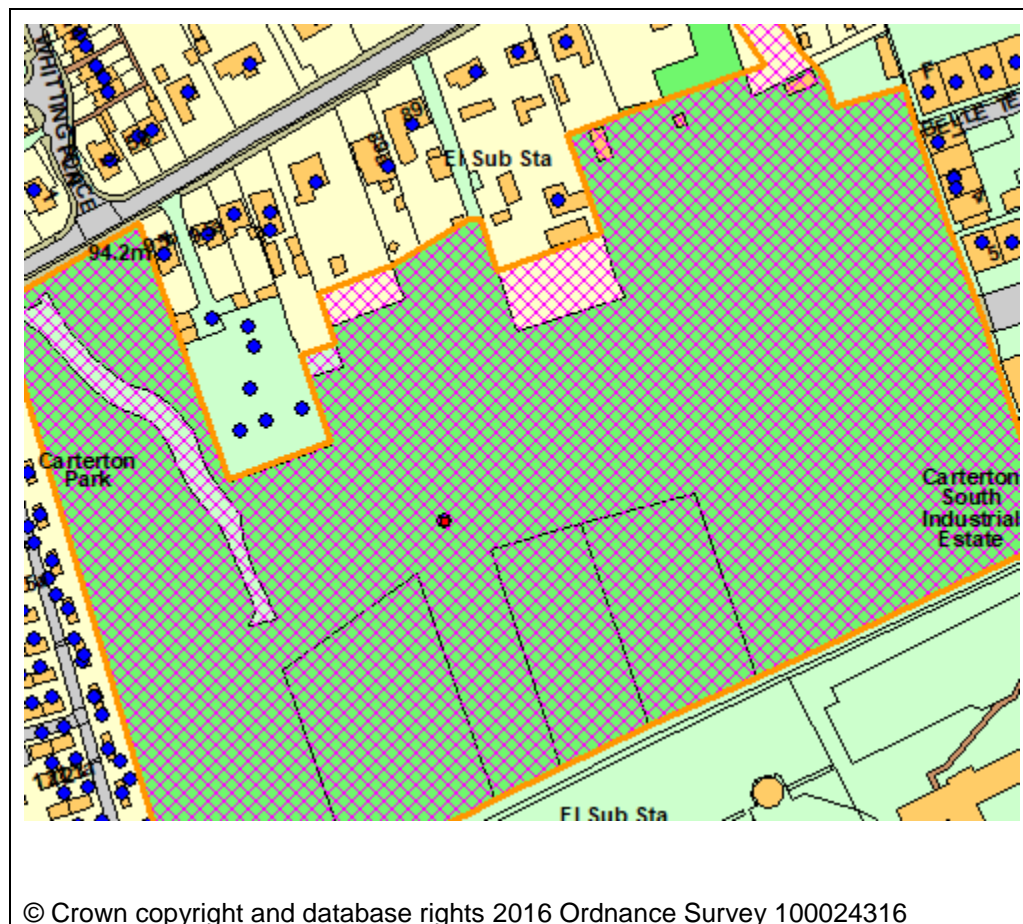
**Contact Officer:** Chloe Jacobs

**Telephone Number:** 01993 861697

**Date:** 12th May 2021

Application Number	21/00228/FUL
Site Address	Land South Of Milestone Road Carterton Oxfordshire
Date	12th May 2021
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Carterton Parish Council
Grid Reference	427742 E 205940 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Residential development comprising of 200 dwellings with associated landscaping, surface water attenuation, access and parking.

**Applicant Details:**

Partner Construction Ltd And Platform Housing Ltd

C/o Agent

**I CONSULTATIONS**

Major Planning Applications  
Team

Highways  
No objection subject to:

- S106 Contributions as summarised in the table below and justified in this Schedule:

- An obligation to enter into a S278 agreement as detailed below.

- Planning Conditions

Drainage

Awaiting final comments

Education

No objection subject to:

S106 Contributions as summarised in the tables below and justified in this Schedule.

Biodiversity Officer

Protected and priority species

- Bats and birds

No bats were observed emerging from BI during the bat emergence survey. All other outbuildings on site were considered to offer 'negligible' potential for roosting bats. A single mature tree was considered to offer 'low' roosting potential and the ecology report therefore outlines precautionary working measures in accordance with best practise and this is satisfactory. Therefore, there is no need to consider the 3 derogation tests as the proposed works are unlikely to have a significant impact on bat species providing that the precautionary measures are carried out.

The site offers suitable commuting and foraging habitat for bats and I therefore recommend that a sensitive external lighting strategy is prepared to ensure that the southern buffer and site boundaries are not illuminated by the external lighting. The details of the external lighting should be submitted to the LPA as a condition of planning consent. No active bird nests were recorded during the Phase I survey, however, habitats on site (such as hedgerows, scrub and mature trees) are considered to offer nesting opportunities. The report states that the removal of vegetation should be undertaken outside of the nesting bird season and if this is not possible then vegetation should be checked by a suitably qualified ecologist. These measures are sufficient.

Section 4 of the report recommends for biodiversity enhancements including the provision of bird and bat boxes. The locations of



proposed features are shown on the Biodiversity Layout Plan and the features include swift bricks, sparrow terraces and bat boxes. These features can be integrated into the new external walls of the buildings. Please note that bat boxes should be on southern and/or eastern elevations whilst bird boxes should be located on northern and/or eastern elevations. The details of the new roosting and nesting features, including elevation plans and the specific designs, should be submitted to the LPA as a condition of planning consent.

- Reptiles and amphibians

No reptiles were recorded during the presence/absence survey for reptiles and the ecology report concludes that reptiles are absent from the site.

The proposal involves development mostly within the amber impact risk zone, with part of the site being within the red impact risk zone, as per district licence impact risk mapping for great crested newts (GCN). This means that it falls within a landscape recognised as being suitable habitat to support GCN, and that GCN are likely to be present. However, I understand that the single off-site pond identified within 500m was considered unsuitable to support GCN and is isolated from the site by areas of hardstanding. Therefore GCN are not considered to be a constraint. After further justification from the ecologist, I consider this reasoning satisfactory. However, as the site itself offers suitable habitat for

GCN and the fact that it is located within the amber and red impact risk zones, I recommend that precautionary measures are still undertaken. The precautionary measures can be outlined within a Precautionary Working Method Statement (PWMS) which can be included within the Construction Environmental Management Plan-Biodiversity(CEMP-B) to be submitted as a condition of planning consent (please see comments below for further details).

- Badgers

The Badger Survey Report outlines the survey findings and recommendations for the retention and closure of setts on site. The details are considered satisfactory and the enhancements within the southern buffer corridor will provide suitable foraging habitat for badgers and linkages to the wider countryside. As stated within the report, an updated badger survey is required to inform whether a licence from Natural England is required after planning consent is granted due to the likelihood that badgers move around and the sett status changes. Planning consent lasts for up to 3 years and before construction commences on site, an updated survey would be necessary to ensure that the current mitigation strategy is still valid.

- Hedgehogs

I consider the precautionary measures outlined for badgers to also be applicable to hedgehogs.

However, the Construction Environmental Management Plan-Biodiversity(CEMP-B) should specifically outline a full PWMS for the species, as a condition of planning consent.

Gaps/holes for hedgehogs will be created through garden fences and

the locations of these are shown within the Boundary Treatment Plan. These are considered satisfactory.

- Other comments

Small stands of Japanese Knotweed were recorded on site. The ecology report states that precautionary measures are required to ensure the eradication of the species from the site and to ensure that the species does not spread. This is satisfactory, the Construction Environmental Management Plan- Biodiversity (CEMP-B) should specifically outline the relevant measures and a method statement, as a condition of planning consent.

Habitats and landscaping

The site comprises a mosaic of dense and scattered scrub, tall ruderal vegetation, scattered trees and semi-improved grassland with native species-poor hedgerows along the boundaries. A number of enhancements are proposed on site. This includes the creation of meadow grassland around the SuDS feature and enhancements within the southern green corridor. The hedgerows along the boundaries of the site will also be retained. These measures are satisfactory.

A comprehensive landscaping scheme should be prepared to detail the habitat features that are to be created and enhanced on site, along with a 5-year maintenance plan. The landscaping scheme will need to be submitted to the LPA as a condition of planning consent.

- Biodiversity Net Gain (BNG)

The Technical Note - Biodiversity Impact Assessment includes a strategy for BNG and this directly corresponds with the BNG metric calculations. The calculations show the net percentage change to be - 67.24% which equates to a net loss of 15.13 habitat units.

Due to the limited opportunity for further habitat creation and enhancement on site and the fact that this is an affordable housing scheme, it has been agreed that the additional biodiversity units (required to deliver 10% over the existing baseline value) can be achieved through an off-site financial contribution (a sum of £208,560) as part of the S.106 agreement.

The council does not have an off-site biodiversity net gain mechanism in-house and are therefore reliant on payments being made to an off-site delivery provider. It is therefore vital that the S.106 agreement states that this money is to be received by the council and then paid to the Trust for Oxfordshire's Environment (TOE) for delivery of the biodiversity net gain units. The full contribution should be paid upfront to the council (rather than a staggered payment) and secured before the biodiversity impact

(such as the clearance of vegetation) takes place.

The above details will need to be a specific part of the wording of the covenant for the council. Please may the WODC Biodiversity Officer/Assistant Biodiversity Officer be consulted on the specific wording of the S.106.

A Biodiversity Management and Monitoring Plan (BMMP) will need to be prepared to secure the long term management of habitats included within the biodiversity net gain calculations for the required period of 30 years (as stipulated in the Defra proposals for biodiversity net

gain). This plan should identify the aims and objectives of management and provide details of the ongoing management of habitats at the site, including the hedgerow boundaries, the public open space area and the southern buffer corridor. The report will need to be submitted to the LPA for approval as a pre-commencement. A Construction Environmental Management Plan - Biodiversity (CEMP-B) to cover mitigation measures required during the construction phase of the proposal, including timing of works, should also be submitted to the LPA as a condition of planning consent. This will need to include details explaining how the works will minimise impacts on ecological features during and after construction (including a set of Precautionary Working Method Statements, as requested in the relevant sections above). Following on from the CEMP-B, a verification report by a professional ecologist or the ecological clerk of works will need to be submitted to the LPA to confirm that the mitigation measures in the CEMP-B were adequately implemented to their satisfaction and what remedial measures were implemented. Please note that I have recommended for the CEMP-B report to be submitted as a pre-commencement condition of planning consent.

Wildlife Trust

No Comment Received.

WODC - Sports

No objection subject to contributions towards sport and play.

WODC - Arts

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 application confirms that all 200 (100%) of the dwellings would be provided as affordable housing and therefore make a significantly increased contribution. Based on the policy requirement of 35% affordable housing, the councils preferred mix on numbers of house sizes and tenures is exceeded.

The applicant proposes to provide 55 of the homes as Social Rent tenure (28%). There have been limited opportunities for Registered Providers to deliver homes of this tenure in recent years. These homes would therefore make an important contribution to the affordable housing stock available to lower income families in the district. For affordability, it would be beneficial for an element of 4 bed housing to be included in the Social Rent mix (currently included as Affordable Rent).

Also proposed within the mix are 12 homes as Rent-To-Buy. Homes offered as this tenure will make an important contribution to diversifying the low cost home ownership options in the district. In

addition to the 967 applicants as shown above, there are a further 1827 applicants on the overall waiting list who could benefit from the development of this site.

This must also be seen in the context of the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 (partially updated in 2016) which identifies the need for approximately 274 affordable homes per year in West Oxfordshire from 2013-2031 i.e. a total of 4,932 units. Affordable housing (as defined in the National Planning Policy Framework) is 'housing for sale or rent for those whose needs are not met by the market'.

The affordable housing delivered on this site would make an important contribution to meeting local housing need.

WODC Planning Policy  
Manager

No Comment Received.

Oxford Clinical Commissioning  
Group NHS

NHS Oxfordshire Clinical Commissioning Group objects to this proposal pending confirmed additional investment through developer contributions in expanding local primary medical care capacity. Primary care is at capacity in Carterton and requires additional infrastructure to provide capacity for population growth. OCCG seeks a developer contribution of £172,800.00 in line with the agreed Oxfordshire Primary Care Estates Strategy 2020-2025 (see p36).

OCCG would allocate any developer contribution to increase capacity of existing health facilities in partnership with Rural West Primary Care Network and its members, rather than create new standalone provision. This is appropriate to the scale of the development and to supporting sustainable future healthcare.

Thames Water

Waste Comments

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. 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 the following informative attached to the planning permission: "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.

**Water Comments**  
Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied 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 development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to

MOD - Landowner -  
Safeguarding

No comments received

MOD MOD (Brize Norton)

In summary, the MOD has no safeguarding objections to this application subject to the conditions requiring the housing to be no higher than 10m agl, the submission of a construction management plan and a bird hazard management plan as outlined above to ensure the application does not impact on the operation of RAF Brize Norton.

Environment Agency

No comments to make

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

WODC Env Services - Waste Officer

Refer to standard guidance.

TV Police-Crime Prevention Design Advisor

Secured by Design:

No objection subject to condition.

Policing:

In order to mitigate against the impact of growth TVP have calculated that the "cost" of policing new growth in the area equates to £22,964 to fund the future purchase of infrastructure to serve the development.

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

Parish Council

Carterton TC - This would be an overdevelopment of the site. No garages and inadequate parking for visitors causing parking along Milestone Road. Not correct mix of housing for Carterton, no S106 funding and lack of supporting infrastructure. Poor access to Milestone Road and low water pressure.

## 2 2 REPRESENTATIONS

2.1 33 letters of objection have been received and can be seen in full online, but are summarised as follows:

### Principle

This application is essentially the same application that was refused last year. It is obvious to me that the developer is trying to sneak this application in under the radar, under the cover of the covid pandemic. It should be refused for the same reasons it was refused last time.

This 'new' application doesn't seem to be materially different from the previous application and so I continue to object to it..

As seems to be the case throughout Carterton too many houses are trying to be squeezed into too small a space and the impact on local transport networks, education, health care, green infrastructure , pollution and biodiversity are not being seriously looked at.

The fact they are mostly social housing shows the desperation of the builders to persuade the WODC to pass this latest proposal

I am also concerned that there is not an actual necessity for it, with no commitment to improving the quality of life for residents, new or old.

200 is way too many

### Highways

the visibility splays on the East exit/entrance, which need to be 2.4m from the road, this will be blocked by my boundary which stands at 6ft, giving no visibility of traffic or pedestrians. I have not agreed to lower my boundary. Also the splay of entrance how will they affect my property?

The vision splays between 75 and 77 are non-existent leading to a dangerous junction, on an already dangerous road

Next the raised table for traffic calming, will go across half my drive entrance, how will this affect entering my drive and my dropped kerb?

insufficient visitor and flat parking. Most homes have at least 2 vehicles and trade vans are common.

Parking is mainly tandem, one car behind another, often between pairs of semis, this may not be easy with children.

Width of roads could be an issue if people start parking as they have on many new developments simply in front of their homes. Also changing a garage to living accommodation in the future where it exists would mean parking is lost.

The construction currently underway block the roads and driveways, traffic has already increased substantially bearing in mind it is supposed to be essential travel only never mind if there are an additional 400 vehicles attempting to commute.

Milestone and Corbett roads are used as rat runs for the RAF traffic

There is already persistent speeding

At times when RAF traffic is accessing/exiting the Back Gate it is incredibly dangerous significant lack of parking spaces on the new proposal

Great weight must be brought to both Town Council and District Council to provide a road through the existing trading estate (WODC owned) so that the residents living on Milestone rd are not overwhelmed by the negligence of WODC in failing to address properly the large volume of traffic that will be generated from this development

This new access/exit road will enable WODC to consider redeveloping the whole Industrial Park for Housing whilst migrating the industrial units elsewhere in Carterton, and providing more housing rather than greenfield land!

Why create so much worry and concern for the honest rate-payers over this development swamping us with vehicles when there is no need for this whatsoever!

## Design and layout

Only 1 bungalow for an ageing population.

Flats seem to be too high for the location. It looks like the development requires greater variation in types of homes and more space around them.

The building materials and designs should reflect the Cotswolds, rather than brick and render. For the benefit of residents there should be a wider barrier, vegetated landscape, between the homes and the industrial estate.

these properties are to be built so close to the perimeter fence of the RAF base is surely unacceptable to the RAF

The proposal is too high density for the area

## Residential amenities

As they mainly face each other over small gardens, there will be little privacy for residents.

Gardens are very small for families

Some of the smaller homes lack any storage inside and of out.

The new development proposes to substantially overlook 3 sides of our property which has been private for 35 years.

I do not feel that there is enough consideration for the potential new residents either. A housing development sandwiched between an increasingly busy air base and Cartertons industrial estate does not seem appealing.

#### Boundaries

When they were clearing trees, shrubs and bramble from the site, this left my front fence in a very unstable condition and parts of it collapsed, which are now held up by temporary props. My property of 75 Milestone Road, the boundary line at the rear is encroaching on my garden between 8-10 ft, this needs amending to the correct position. Until very recently we had many trees on all 3 sides, these have all since been destroyed in apparent preparation for this development with no indication of replacing them on the plans.

#### Ecology

I also fear for our wildlife. I have already had to report a dead otter that had appeared to have been run over to the Environmental Agency. A bad impact on the local wildlife will be devastating because this land has been neglected for so long that wildlife has inhabited the area because it is safe from human disturbance. Many other trees previously in the site of the new development have now all gone despite former challenge of tree loss on the last plans submitted. We as existing home owners so enjoyed the many different animals and birds, all of which are vital to our wellbeing. As any resident of Milestone Road is aware, there was a large badger, deer, otter and bird population in the area.

#### Other matters

A 100% ratio of affordable housing seems strange in the surrounding area, I agree that affordable housing need to be available but on a development of 200 houses this should be mixed.

#### Noise pollution

would like to point out you and the would-be householders, that these homes are directly under the Chinook run that occurs regularly and at gaps of 2-3 mins when it happens.

The local services such as doctors, schools and NHS dentists etc... are at full capacity, it takes 3 or more weeks to get a GP's appointment for example. The local area can't take any more people, not to mention the effect on green spaces. This should absolutely not be allowed to go ahead, listen to local people.

Can the schools cope?

Is it expecting people to travel to access services from locations/facilities that are available - ecologically sustainable?

Does it fit the council's green credentials to approve this - with potential new residents having a much increased carbon footprint to access services? Steps must reassure the local community that the appropriate water supply is sufficiently upgraded to serve 200 houses. There is a major lack of amenities for the community as it stands.

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

3.1 The application is accompanied by several supporting documents which are available to view online. The applicant has submitted the following statement:

Changes from previous application 19/02809/FUL to current application 21/00228/FUL



Previous reasons for refusal:

"... absence of an agreement or commitment to an agreement to secure the provision of: public transport; education; sport and leisure; public art; primary healthcare; and ecological and landscape management the local planning authority cannot be satisfied that the impacts of the development can be made acceptable or adequately mitigated and as such the scheme is likely to give rise to education, transport, sport and leisure, health and ecological harms.

.... development would result in significant biodiversity harm as insufficient survey, mitigation and compensation details have been submitted to ensure that impacts on protected/priority species and priority habitats are minimised or adequately compensated, and that a biodiversity net gain can be achieved. The green infrastructure provision within the proposal is also deemed to be inadequate."

Where s106 contributions are proposed, we have set out our proposed level of contributions in point 7, below.

### 1. Amount of Development

The number of houses has been reduced from 219 to 200. This is following detailed consideration of the requirements outlined by the consultee responses to the previous application including the approach to biodiversity.

### 2. Ecology/Biodiversity

The previous objection was due to outstanding questions in respect of ecological impacts and therefore a potential lack of mitigation measures at the point the application was considered at planning committee.

In advance of resubmitting the application, the new consultant team reassessed the ecological position and baseline of the site through further survey work and ongoing consultation with the Council's ecology advisors. The proposals now take full account of the biodiversity impacts of the development and provide for the net gain sought by the Council. This is provided partly on site through incorporation of ecological buffer zones, on-site landscaping and features such as bat and bird boxes. Any lighting scheme proposed for the development will be designed to have limited impact on biodiversity.

A biodiversity offsetting contribution will be paid, in accordance with the agreement reached with the Council's ecology advisors and will then be paid to the Oxfordshire Trust for the Environment, through the s106.

Together these measures take full account of the biodiversity impacts of the development. The Council's ecology advisors have confirmed there is now no objection to the proposals subject to securing the contributions and inclusion of relevant conditions. The proposals have therefore addressed and overcome the previous reasons for refusal on ecological/biodiversity grounds.

### 3. Highways

The previous objection was due to no contribution being made to fund the S.106 and S.278 works required to mitigate the impacts of the development.

In advance of resubmitting the application, further discussions have been held with OCC Transport Planner. Through these we have agreed with them the following:

- o Raised table to be provided at the eastern access point
- o Confirmation from the HA that the required visibility splays can be achieved at the access points within the extent of the adopted highway
- o Traffic calming measure to be provided between the eastern and western accesses

Off-site works (or contributions towards them) will provide for:

- o Pedestrian crossing point improvements along the northern side of Milestone Road
- o Provision of cycle parking at Alvescot Road bus stop
- o Public transport enhancements to improve local bus services

The Highways Officer at OCC has confirmed to the Council that they have no objection to the proposals subject to securing the relevant works, or contributions and appropriate condition. One aspect remains outstanding - that of the request for the Access to Carterton contribution which was not previously put forward or requested through the first application. Furthermore, this was not raised as part of the paid for pre-app for the latest application undertaken between November 2020 - February 2021 nor during applicant discussions following submission of the application in respect of queries raised by third parties. This is dealt with further at point 7 below.

#### 4. Drainage

##### Lead Local Flood Authority

LLFA no objection previously, and this is maintained for latest application subject to conditions.

Thames Water These matters did not form part of the previous grounds of refusal. However, we have also had further discussions with Thames Water and confirm that there are no outstanding matters in regard to Thames Water considerations, subject to an appropriate condition.

Previous capacity issue within the foul network is now resolved, no objection to current proposals regarding both foul and surface water infrastructure capacity. Planning condition to be imposed regarding water supply upgrades, discussions are ongoing

#### 5. Education

The previous objection was due to no contribution being made to fund the S.106 request of £4,293,526 (219 dwelling scheme).

In advance of this revised application for 200 homes being submitted, pre-application engagement with OCC was commenced. OCC has re-run their calculations and now requested £2,356,715 (200 dwellings) which is a difference of £1,936,811 from the previous application request only circa 7 months ago.

The latest figure is broken down by OCC as follows:

Nursery - 19 spaces - £234,017

Primary - no contribution required

Secondary - 71 spaces - £1,875,891

Special Education - not raised through the previous application but now being requested - 2.7 spaces - £246,807

OCC has no objection to the scheme subject to the s106 contributions requested.

The advice from our Consultant regarding the responses received from OCC to date is as follows:

OCC is clearly only seeking secondary education contributions due to there being a "risk" that Burford School may at some unspecified date in the future decide to only offer up to 1,284 places (rather than the 1,441 pupils that it currently accommodates in its existing school

buildings). Furthermore, OCC is clearly unable to confirm when any contributions may be needed for an expansion project at Carterton Community College. In our opinion, as Burford School can currently accommodate the higher number of pupils and there is no plan for this to change the current request for secondary education contributions is therefore clearly not necessary to make the development acceptable in planning terms and hence fails the requirements of the CIL Regs tests.

Please see below the latest available OCC forecast for Carterton Community College which we discussed with OCC back in Nov 2020 showing a clear surplus of places until at least 2025/26:

2021/22 344 surplus places  
2023/24 290 surplus places  
25/26 200 surplus places

## 6. Housing Enabling

Previous scheme was 91% affordable provision.

The current scheme is now 100% affordable, 19 less units overall. The Housing Officer remain supportive of the proposals and states....

There have been limited opportunities for Registered Providers to deliver homes of this tenure in recent years. These homes would therefore make an important contribution to the affordable housing stock available to lower income families in the district.

Also proposed within the mix are 12 homes as Rent-To-Buy. Homes offered as this tenure will make an important contribution to diversifying the low cost home ownership options in the district.

Having examined those who are registered on the Council's Homeseeker+ system that have indicated a wish to rent a home in Carterton, I can confirm the following house types are required to meet housing need.

The Homeseeker + priority 'bandings' that applicants fall under are as follows;

Emergency 6

Gold 20

Silver 132

Bronze 809

Total 967

The various bandings used to assess an applicant's housing needs can be broadly explained as (for example only);

- ° Emergency = Is in immediate need of re-housing on medical grounds etc
- ° Gold = Has an urgent need to be housed / move due major overcrowding etc
- ° Silver = Significant medical or welfare needs that would be alleviated by a move
- ° Bronze = All other applicants not falling into the above categories

In addition to the 967 applicants as shown above, there are a further 1827 applicants on the overall waiting list who could benefit from the development of this site.

## 7. S.106/Infrastructure

The following contributions have been agreed:

### WODC

Sport & recreation off site £362,800

Off site biodiversity £208,560 Monitoring cost £11,250

Affordable Housing S.106 will secure 100% provision

On site LEAP 5 pieces to be provided

Maintenance of LEAP £71,916 should the Parish Council wish to adopt

### OCC

Public Transport services £210,200 (improvement to bus service)

Public Transport infrastructure £116,360 (to be covered under a S.278 agreement)

Highways works - to be confirmed - justification has not been (access to Carterton). demonstrated by OCC and therefore the request is not currently CIL test compliant. Applicant has requested and is awaiting further information from OCC

Education £480,824

To include Nursery - 19 spaces and Special Education.

Travel Plan monitoring £1,426

OCCG Oxfordshire Rural West primary care network - to be confirmed - Justification has not been demonstrated by OCCG and therefore the request is not currently CIL test compliant. Applicant has requested and is awaiting further information from OCCG

Thames Valley Police £22,964

#### 8. EV charging facility

The previous scheme made no provision for EV charging.

The current application now includes 20% of the plots to be capable of future adaptation with passive points

#### 9. Play Area

The previous scheme did not include any on site provision for play.

The revised scheme includes a local equipped area of play (LEAP) on site with five pieces of equipment to be provided with seating area and secure gated entrance. The required maintenance contribution is also made available should the Parish Council wish to adopt the scheme.

#### 10. Parking

The layout has been amended to improve parking arrangements, including some visitor spaces. Overall, the loss of units has increased the amount of on plot parking. Garages are not incorporated as this is not a requirement of the Registered Provider who will be responsible for the ongoing management of the scheme. However, secure cycle parking is provided at the correct ratio for each home.

### **4 PLANNING POLICIES**

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

CA2NEW Land at Milestone Road, Carterton

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

T1NEW Sustainable transport

T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
CA5 Carterton sub-area strategy

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

### **3 5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 The application seeks consent for 200 affordable dwellings, with associated landscaping, an on site LEAP, ecological improvements, surface water attenuation and appropriate parking.

5.2 The site is to the south of Milestone Road and immediately to the north of RAF Brize Norton. It was formally rear gardens to properties in Milestone Road but it is fenced off and is currently grassed over. The Carterton Mobile Home Park is to the west and Carterton Industrial Estate to the east of the site.

5.3 In terms of planning history, in 2012 committee considered a full planning application (12/1019/P/FP) for a 93 bed Extra Care unit and an outline application for the erection of residential development and formation of access road (12/1020/P/OP) and resolved to approve both but the legal agreements were never signed and the applications were finally disposed of.

5.4 An application for 214 dwellings was refused at committee under 19/02809/FUL in March 2020 on the grounds that no S106 contributions been provided and the ecological issues had not been resolved.

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**

5.6 The site is allocated in the Local Plan 2031 under policy CA2 for around 200 houses on a slightly larger site area which included 79-81 Milestone Road. The proposal is for a mix of 1-4 bed houses and apartments, ranging from single storey to three storey.

5.7 Policy CA2 requires that proposals for development should be consistent with the following:

- a) provision of a mix of house types and tenures including affordable housing in accordance with Policy H3 - Affordable Housing;
- b) provision of satisfactory vehicular accesses from Milestone Road via a through road and appropriate pedestrian and cycle connections;
- c) appropriate provision of and contributions towards essential supporting infrastructure, including 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.
- d) development to take account of the height, scale and density of surrounding buildings;
- e) where necessary, provision of noise mitigation measures to take account of potential noise from RAF Brize Norton

f) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.

g) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.

h) the developer will be required to set aside 5% of the developable plots for those wishing to undertake custom/self-build.

## **Affordable Housing**

In respect of criteria a) the proposal is for 100% affordable tenured housing, broken down into the following mixes: 55 social rent, 50 affordable rent, 12 rent to buy and 83 shared ownership properties. It would provide 25 no. 1 bed units, 85 no. 2 bed units, 61 no 3 bed and 29 no. 4 bed units. One of these is a bungalow, there are apartments and then the majority of accommodation is to be provided as two storey dwellings with a few two and a half storey dwellings. So whilst it is not in full accordance with policy CA2 in that it is solely affordable housing, this scheme would significantly contribute to the District Council's affordable housing provision, and as such has the full support of the Council's Housing Enabling officer.

In respect of criteria h) because the proposal is for affordable housing the 5% self build criteria would not be met, however the provision of affordable housing is considered to be of such a significant benefit that the criteria can be set aside in this instance.

## **Highways**

Criteria b) requires safe access from Milestone Road and appropriate cycle and pedestrian connections.

The proposal has two accesses onto Milestone Road as per the previous application. OCC, as Highway Authority, have commented on the application and have raised no objection subject to conditions and a S278 to secure off site works. Their comments regarding the vehicular accesses are as follows:

Access to the site is to be taken from Milestone Road via two new access junctions. Milestone Road is a residential street which is very linear in nature for a distance of over 800m. There is currently no form of traffic calming along Milestone Road and given the characteristics of this road the county council considers that this is required. The application shows that the access to the site is to be taken from two simple priority junctions on to Milestone Road with the eastern access having a raised-table traffic calming feature. The county council considers that the raised table feature is required in order to reduce speeds on Milestone Road and should be accompanied by traffic calming buildout. Having visited the site I can confirm that the required visibility splays (taken from 2.4m back from the edge of the carriageway) are achievable entirely within the highway boundary at the location of the site access junctions in accordance with Manual for Streets standards.

Likewise, the OCC comments on the pedestrian access are as follows:

In response to application ref: 19/02809/FUL, the county council requested that the verge along the length of the northern side of Milestone Road be converted into a footway in order to enhance the environment for pedestrians and encourage more walking to and from the site. The applicant has put forward a scheme of informal tactile crossing points with short connecting sections of footway along the northern side along desire lines for those travelling to and from the site and various local facilities to the north. This does not provide the same level of wider public benefit that would be provided for from a

complete footway. However, when assessed through the planning test of mitigating the development's impact, being necessary in order to make the development acceptable and being directly related to the development, the proposals for the crossing points are sufficient as they would provide suitable connections for those accessing the development.

Based on the technical assessment from OCC as Highway Authority it is considered that criteria b) can be successfully achieved as demonstrated by the information submitted in support of the application, and through off site works and S106 contributions.

Criteria c) requires appropriate provision and contributions to supporting highway infrastructure. OCC have requested a sum towards an LTP4 project which was not identified on the previous application and has not been set out in specific detail by the County. The applicants are requesting further information and justification for this sum, to ensure it is CIL compliant. A further update will be provided prior to the committee meeting.

The proposal is considered to comply with policies CA2, T1, T2, T3 and T4 of the Local Plan.

### **Design, layout, scale and massing**

Criteria d) of the policy requires that development takes account of the height, scale and density of surrounding buildings.

The site has development on all sides. There are the SLAM blocks to the south on the air base which are three storeys high, industrial buildings to the east, the caravan park to the west and a mixture of residential buildings along Milestone Road. However, other than the couple of units that will front Milestone Road, the site is contained and the proposed layout is considered to be appropriate in terms of its height, scale and density.

The buildings range from single to three storeys (but kept under 10.8m high to comply with MOD restrictions) and your officers consider that the layout and designs have improved since the previous application was before you. The open space has increased and now includes an on site play area, the parking is much less dominant in the street scene, the buffer along the southern boundary with the air base is much increased.

Some concerns have been raised by local residents in terms of overlooking but the scheme has been designed to respect sufficient back to back distances and the proposals are not considered to adversely impact neighbour amenity.

With regard to criteria g) of the policy, the proposal will include fabric specifications which are expected to exceed Building Regulations requirements, use of low NOx boilers, water efficient fixtures to limit water use to 110l/person/day, and the applicant has submitted a plan to show that 20% of the dwellings will have capacity to install electric vehicle charging.

The proposals are therefore considered to be in accordance with policies CA2, OS2, OS3, OS4, EH4 and H2.

## **Noise**

Criteria e) requires noise mitigation where necessary. Your Environmental Health Officer has assessed the proposals and considers that the development can be acceptably accommodated subject to a condition. The proposals are therefore considered to be in accordance with policies CA2 and EH8.

## **Drainage**

Criteria f) requires connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements. Thames Water have no concerns with the proposals on sewerage grounds but have recommended a condition regarding the water network so they are satisfied that any local issues with water pressure can be overcome.

There is a SUDs basin proposed on site, within the area of open space. The County as Lead Local Flood Authority have raised a holding objection as a more detailed surface water management strategy is required in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. The applicant is in discussion with the LLFA and has submitted additional information. As the LLFA did not raise an objection to the previous scheme it is expected that this objection will be overcome and a further condition/s recommended.

## **Ecology**

The lack of biodiversity mitigation was one of the reasons the previous scheme was refused. Prior to the resubmission of this application the applicants have been in discussions with the Council's Ecologists to achieve an acceptable solution.

The site is currently comprised of dense and scattered scrub, vegetation, scattered trees and semi-improved grassland with native species-poor hedgerows along the boundaries. A number of ecological enhancements are proposed on site. This includes the creation of meadow grassland around the SuDS feature and enhancements within the southern green corridor. The hedgerows along the boundaries of the site will also be retained. The ecologist has assessed that the proposed measures are satisfactory.

Due to the limited opportunity for further habitat creation and enhancement on site and the fact that this is an affordable housing scheme, it has been agreed that the additional biodiversity units (required to deliver 10% over the existing baseline value) can be achieved through an off-site financial contribution (a sum of £208,560) as part of the S.106 agreement. On this basis the proposals are considered to be in accordance with policy EH3 and the Ecologist has no objections subject to conditions. The conditions are currently being refined and will be included in the additional representations report.

## **S106 contributions**

The previous proposal for 214 affordable units was not able to bear any S106 contributions due to viability issues, which was one of the reasons why it was refused. The applicants took that on board and have accepted that whilst it is still providing 100% affordable housing, the scheme should also make contributions where necessary and justified.

These contributions will include:

WODC

Sport & recreation off site £362,800



Off site biodiversity £208,560 Monitoring cost £11,250  
Affordable Housing S.106 will secure 100% provision  
On site LEAP 5 pieces to be provided and contribution towards maintenance of LEAP £71,916

#### OCC

Public Transport services £210,200  
Public Transport infrastructure £116,360  
Travel Plan monitoring £1,426  
Education £480,824 To include Nursery - 19 spaces and Special Education.

Thames Valley Police  
Policing £22,964

The applicants are still in discussion with OCC regarding a further request towards highway works, and with the OCCG regarding a request towards the primary care network as these contributions have not been demonstrated to be CIL test compliant. An update will be given at the committee meeting, but your officers are satisfied that the applicants are proposing to make significant contributions to infrastructure that will help to assimilate the development into the community, and it therefore in accordance with policies CA2 and OS5.

#### **Conclusion**

The proposed development is considered to be acceptable in this location, to be of an appropriate size, scale, siting and design that would not harm the character and appearance of the surrounding area or adversely impact neighbouring amenity; to provide a significant level of affordable housing and to have satisfactorily addressed the previous reasons for refusal regarding biodiversity and an appropriate S106 package. Therefore, subject to no further issues being raised and having regard to the above it is considered the application proposal would accord with the relevant policies of the local plan 2031. As such the recommendation is that planning permission be approved, subject to a legal agreement and any further conditions required by the outstanding consultations.

#### **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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to maintain appropriate residential amenity

4 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

5 The windows shall be symmetrical balanced casements as shown on the approved plans, and shall be recessed a minimum distance of 75mm from the face of the building and remain as such in perpetuity.

REASON: In the interest of site wide design integrity.

6 No development shall be occupied 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 development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure 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.

7 No development shall commence until details of how the applicants will incorporate 'Secured by Design principles and/or standards into the development have been submitted to and approved in writing by the authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of conformity is received by the authority.

REASON: To ensure that the development is safe, inclusive and accessible in accordance with Secured by Design.

8 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

9 An updated Travel Plan statement and Travel Information Pack prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" (and its subsequent amendments) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

10 Cycle parking facilities shall be provided prior to the occupation of the development hereby approved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

REASON: To encourage the use of sustainable modes of transport.

11 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.

12 20% of the plots hereby approved shall be capable of future adaptation with passive points as illustrated on Site Layout Plan dwg 70703 - D102K and the development implemented in accordance with this prior to occupation of the associated dwelling.

REASON: In the interests of promoting sustainable travel.

13 No development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan should contain, but not be limited to:

1. Means of managing the site during construction. During construction it is anticipated the recently turned earth, and any imported material has the potential to expose preferred food sources for flocking birds; as well as create temporary ponding or puddling which may also be an attractant to bird species deemed hazardous to aircraft safety
2. Details of the maintenance regimes proposed for planting and managing landscaped areas to include the heights and species to be used (care should be taken to avoid a proliferation of berry bearing shrubs or plants and (reduce the planting palette by 10% and those species that provide ideal roosting or feeding environments for starlings, pigeons or corvids)
3. Means of monitoring any standing water within the site, whether temporary or permanent to ensure the attenuation pond drains down within 72 hours.

REASON: In the interests of aviation safety.

14 No development shall commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The construction management strategy should include, but not be limited to, providing comprehensive details of the location (whether within or adjacent to the application site), type and dimensions of any plant or crane to be utilised in the implementation of the development along with details of any obstacle lighting. Development shall be carried out strictly in accordance with the details laid out in the approved construction management strategy (or any variation approved in writing by the Local Planning Authority) and shall be implemented for the duration of the construction period.

REASON: In the interest of aviation safety.

15 No development (including site works and demolition) shall commence until the tree protection measures set out in the FPCR Arboricultural Assessment January 2021 have been undertaken. 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.

16 Before the commencement of development a remediation strategy in accordance with the findings of the intrusive Geoenvironmental Report (REF: GEOENVIRONMENTAL INTERPRETATIVE REPORT 15239GI) shall be submitted and approved in writing by the local authority.

REASON: To prevent pollution of the environment in the interests of the amenity.

17 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 prevent pollution of the environment in the interests of the amenity.

18 The development shall be carried out in accordance with the noise mitigation measures outlined in the submitted Noise Impact Assessment, Milestone Road, Carterton REC Reference: AC107890-IR1 September 2019.

REASON: In the interests of residential amenity.

#### INFORMATIVES :-

0. 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-large-site/Planning-yourdevelopment/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)

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.

## Notes to applicant

- 1 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-large-site/Planning-yourdevelopment/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)
  
- 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.

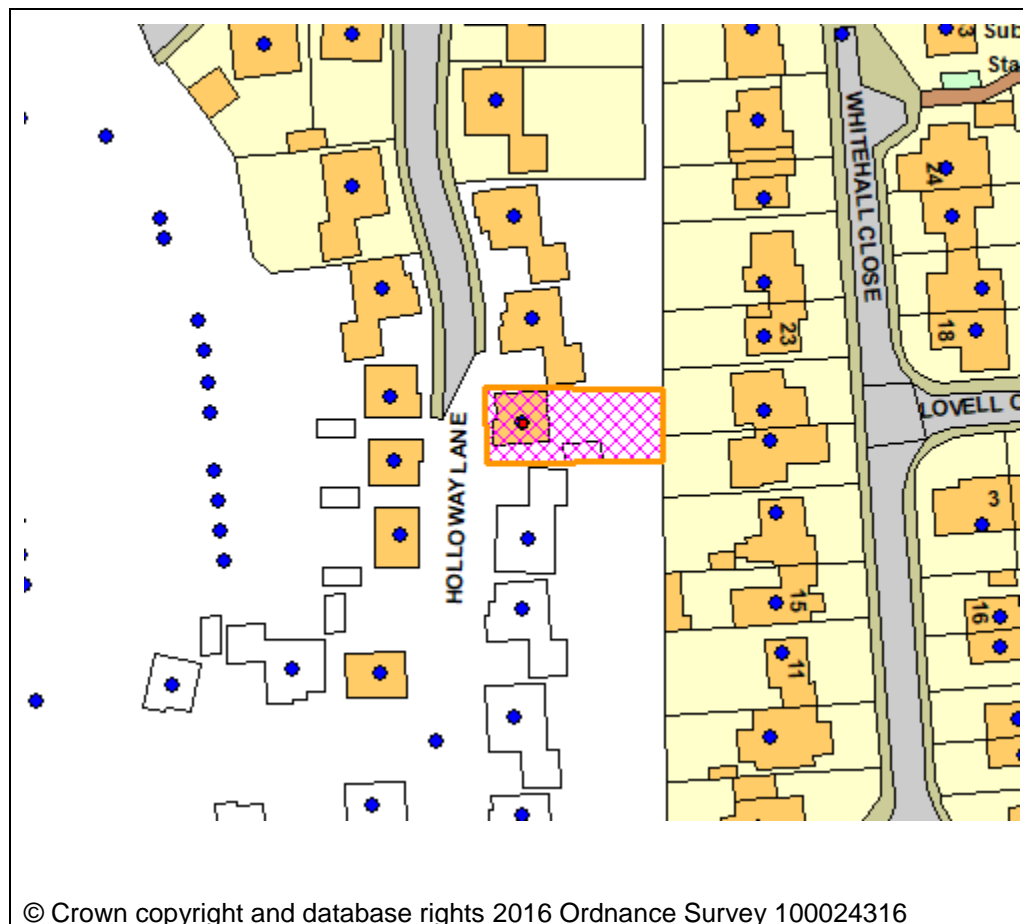
**Contact Officer:** Abby Fettes

**Telephone Number:** 01993 861684

**Date:** 12th May 2021

Application Number	21/00856/HHD
Site Address	9 Holloway Lane Minster Lovell Witney Oxfordshire OX29 0AU
Date	12th May 2021
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	430936 E 210711 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Erection of a garden office

**Applicant Details:**

Mr And Mrs Simon J Gray  
9 Holloway Lane  
Minster Lovell  
Witney  
Oxfordshire  
OX29 0AU

**I CONSULTATIONS**

Parish Council

Minster Lovell Parish Council has considered this planning application and objects to the application on the following grounds:

- The plans suggest a very large building which would have a detrimental effect upon the privacy of the neighbouring property in Whitehall Close.
- The Parish Council negotiated with West Oxfordshire District Council (WODC) very closely regarding the spacing between the new properties on Holloway Lane and the existing properties in Whitehall Close in particular. WODC agreed that the new build properties should be located further from the existing properties than is statutorily necessary and this was built into the plans for the estate. This agreement would be significantly overshadowed should planning applications be granted for buildings in the gardens of these properties, as these would then be located directly next to the boundary with Whitehall Close.

**3 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

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

## 4 5 PLANNING ASSESSMENT

### Background Information

5.1 The application seeks planning permission for the construction of a detached garden office at 9 Holloway Lane, Mister Lovell, Witney. The application site relates to a detached property situated within a modern residential estate.

5.2 This application is brought before Members of the Lowlands Area Sub Planning Committee as your officers believe it would be appropriate given the nature of the Parish Councils objections.

5.3 Relevant planning history:

- Planning application Ref: 18/03473/RES- Residential development of 126 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space and landscaping (Matters seeking approval are appearance, landscaping, layout and scale pursuant to 17/01859/OUT) at Land West Of Minster Lovell South Of Burford Road Minster Lovell.- Approved at Committee  
The application above was approved subject to conditions, one of which removed permitted development rights from the properties backing onto the Eastern boundary of the site to ensure that the interests of the amenity of adjoining properties are properly protected.

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

### Principle

5.5 The proposal would usually fall within permitted development however, the original planning consent for the development removed certain permitted development rights from the property. As such, planning permission is required for the proposed garden office and therefore your officers have to give due consideration to planning considerations when determining this application.

5.6 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

5.7 The proposed detached garden office is of a flat roof design, to be sited along the southern boundary within the host dwelling's residential curtilage. The proposed garden office is 2.5m tall, 5.1m long and has a width of 3.28m. The proposed garden office will have doors and windows on its northern elevation. The proposed materials are steel panels with a rubber and gravel roof. Your officers consider these



materials to be appropriate given the nature of the building. The proposed garden office will be ancillary to that of the host dwelling. Given the scale of proposed garden office, your officers consider that it will appear subservient to the host dwelling and as such is considered acceptable in terms of its scale and design.

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

5.8 The proposed garden office would not be visible on the street scene, therefore your officers consider that the proposed garden office would not give rise to any adverse impacts in regards to visual amenity.

### **Residential amenity**

5.9 Mister Lovell Parish Council have raised concerns regarding the impact the proposed garden office may have in terms of neighbouring amenity issues to the neighbours in Whitehall Close, especially in light of the discussions at reserved matters stage whereby the planning committee approved the application subject to a condition that removed permitted development rights from properties backing onto the Eastern boundary of the site, to protect the neighbouring amenity of neighbouring properties.

5.10 Condition 4 of the reserved matters application 18/03473/RES removes permitted development rights from properties backing onto the Eastern boundary of the site as control is needed to ensure that the interests of the amenity of adjoining properties are properly protected. Neighbouring amenity has been carefully assessed when considering this application. Your officers are of the opinion that given the siting and single storey scale of the proposed garden building and 1.8m existing boundary treatments, the proposed structure would only sit approximately 0.7m above the existing fencing. As such your officers consider that the proposed building would not give rise to any neighbouring amenity issues in terms of overbearing or loss of light. In terms of proposed openings, given the proposed windows and doors are to be sited on the northern elevation and are at ground floor level, the boundary treatments would help screen any potential for overlooking or loss of privacy. As such, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues, such as, overlooking, loss of light, loss of privacy or overbearing, that would warrant the refusal of this 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 OS2 and OS4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **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 garden office hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be used for commercial activity.

REASON: To safeguard the area and the residential amenity of neighbouring properties.

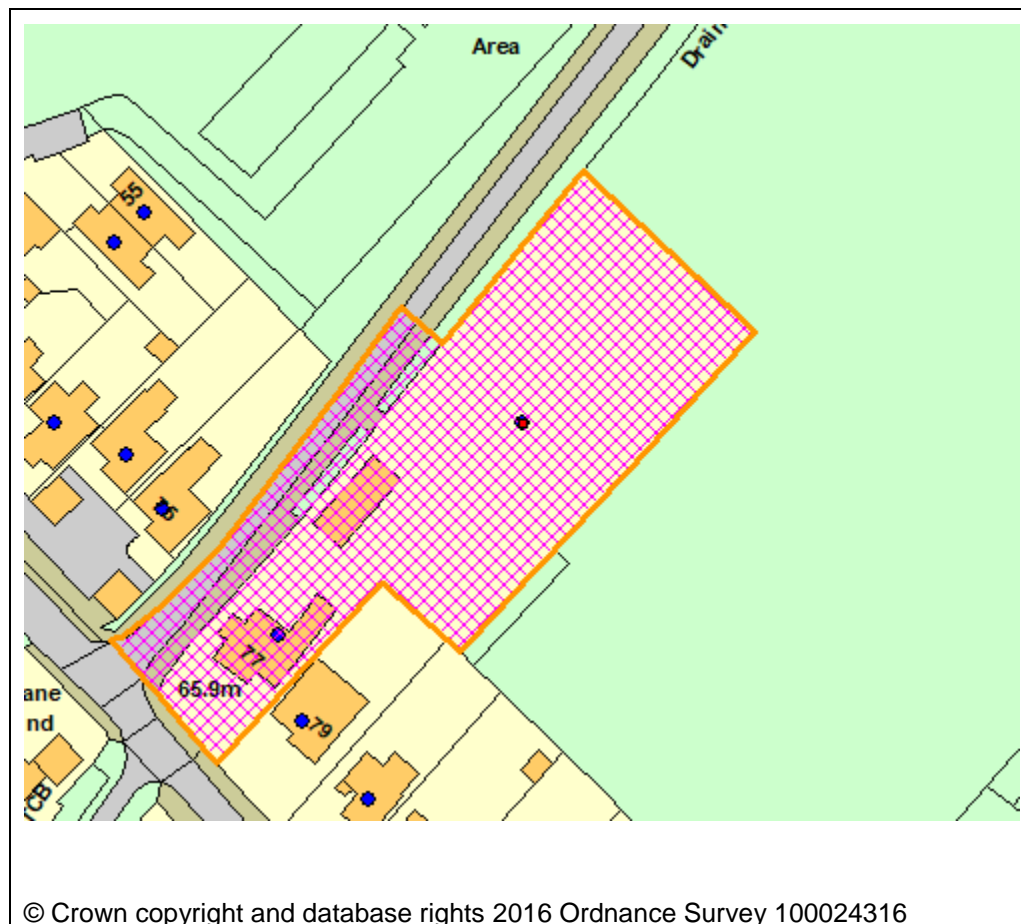
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 12th May 2021

Application Number	21/00622/FUL
Site Address	Land North East Of 77 Abingdon Road Standlake Oxfordshire
Date	12th May 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	438889 E    203266 N
Committee Date	24th May 2021

### Location Map



### Application Details:

Residential development comprised of the erection of five dwellings together with associated works and construction of new detached garage to serve existing property, no 77 Abingdon Road. Alterations to existing and provision of new vehicular access.

**Applicant Details:**  
Chesside Homes Ltd  
C/o Agent

## I CONSULTATIONS

Parish Council

Standlake parish council objects to this application, as it has for the 2 previous applications for that site. The original application, 17/00631/FUL for 6 dwellings, was refused by WODC and it is pertinent to restate the main reasons for that refusal: By reason of the scale, form, design, siting and layout, the proposed development would fail to relate to the existing pattern of development and to the character of the rural locality where the development would be adjacent to. As such the proposed development would appear as an incongruous form of development which will severely urbanise this part of Martin's Lane, and project into open countryside beyond the built up limits of the village. The works to facilitate the development in terms of resurfacing the lane and so forth would also lead to the loss of the existing rural visual appearance and presence..... Standlake fully endorses those reasons but would add: It will set a precedent for applications on land behind Abingdon Road properties; Access is via an unadopted, narrow, gravel lane which is also a bridleway/footpath to the detriment of users both riders and walkers; Access from the lane is then onto the very busy A415/Abingdon Road with attendant road safety implications. Another 5 properties will put further stress on an already overloaded sewage system. Finally, if approval were to be granted, the council would wish to see condition attached requiring the developers to install a self-contained sewage treatment plant for the development. In addition, all properties should include provision for rainwater collection/grey water systems to alleviate the environmental impact.

Thames Water	No Comment Received.
OCC Highways	The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. No objection subject to conditions.
WODC Drainage Engineers	Condition requested
Biodiversity Officer	Further information requested

## **2 REPRESENTATIONS**

2.1 No comments received at the time of writing.

## **3 APPLICANT'S CASE**

The conclusion of the submitted Planning Statement has been summarised as;  
The proposed development is located within the village of Standlake and represents sustainable development, compliant with housing location policies H2 and OS2.  
An extant consent exists for the housing, which this proposal builds upon but does not intensify in physical or visual terms.  
The scheme will meet identified housing need and will boost the delivery of windfall sites in the sub-area; which is supported by both local and national policy.  
The proposal represents a well-planned development that accords with the linear form of buildings in the locality.  
It is a landscape led scheme that seeks to retain and enhance the value of the trees on the site whilst planting more.  
An existing access will be utilised with existing visibility acceptable in both directions.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
T4NEW Parking provision  
OS4NEW High quality design  
EH3 Biodiversity and Geodiversity  
H2NEW Delivery of new homes  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **5 Background Information**

The application site consists of a plot of land located within the built part of the village, set to the rear of No.77 (which fronts Abingdon Road) with access off Martin's Lane. The site area extends to 0.26 hectares. This application seeks planning permission for five dwellings.

There is relevant planning history associated with the application site;

17/00631/FUL Erection of six dwellings. Refused for the following reasons;

By reason of the scale, form, design, siting and layout, the proposed development would fail to relate to the existing pattern of development and to the character of the rural locality where the development would be adjacent to. As such the proposed development would appear as an incongruous form of development which will severely urbanise this part of Martin's Lane, and project into open countryside beyond the built up limits of the village. The works to facilitate the development in terms of resurfacing the lane and so forth would also lead to the loss of the existing rural visual appearance and presence. The proposal is therefore contrary to Policies BE2, BE4, H2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011, Policies OS2, OS4, and EH1 of the Emerging West Oxfordshire Local Plan 2031, and the relevant policies of the NPPF, in particular paragraphs 17, 58 and 109.

It has not been demonstrated to the satisfaction of the Local Planning Authority that the application site is not within an area of archaeological potential as an archaeological field evaluation has not been carried out. As such the proposal is considered to be contrary to Policy BE13 of the adopted West Oxfordshire Local Plan, Policy EH7 of the Emerging West Oxfordshire Local Plan and with the NPPF (2012) policies, in particular, paragraphs 109 and 128.

18/00949/FUL Erection of three dwellings - Approved.

19/01193/S73 Variation to vary the approved plans of the 2018 permission to reposition Plot 3.

The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Council has raised objections to the proposal.

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**

Standlake is considered to be a Village within Policy OS2 of the adopted West Oxfordshire Local Plan. Villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. Policy OS2 also includes a number of detailed criteria which development proposals must address, including that any development is proportionate and appropriate scale to its context; forms a logical complement to the existing scale and pattern of development and/or character of the area; is compatible with adjoining uses; does not involve the loss of an area of open space; and is provided with safe vehicular and pedestrian access.

Your officers consider that as a previous scheme for three dwellings has been previously approved, that the principle of development is acceptable.

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

The proposed scheme, seeks to retain the general layout of the previously approved scheme, but instead of all the new dwellings being of a detached form, two semi detached dwellings are proposed with one detached dwelling.

Your officers consider that due to the proposed layout remaining largely unaltered, the development would provide suitable limited development as per the requirements of Policy OS2. In addition the

proposal would help to maintain the vitality of the community; by providing additional local people to support local services and facilities within the village.

The previously approved landscape buffer is to be retained and as such your officers consider that the proposed development would not result in an adverse impact to the rural visual character and appearance of Martins Lane.

Proposed dormer windows are included within this scheme. However your officers consider that due to the modest scale and design, that the proposed dormer windows will not harm the overall design of the proposed dwellings.

Conditions have been included to request for samples of materials to be used within the development, to ensure the proposed materials are acceptable in this location, and a high standard of development results in accordance with Policy OS4 of the adopted West Oxfordshire Local Plan.

### **Highways**

OCC Highways was consulted as part of the application process, and has made no objections subject to conditions.

### **Residential Amenities**

Your officers have fully assessed the proposal upon the existing and proposed occupiers and consider that there will be no undue impact in terms of loss of privacy or loss of light. This is due to the design and siting of the proposed dwellings.

### **Other Matters**

With regards to the Parish Council comments, your officers have received no objections subject to a condition from your Drainage Engineers. No comments have yet been received from Thames Water. However your officers are currently in discussions with the applicant regarding whether all properties can include provision for rainwater collection/grey water systems to alleviate the environmental impact as per the Parish Council's request.

In terms of ecology issues, further information is being requested by your officers regarding Great Crested Newts and Reptiles.

### **Conclusion**

Whilst your officers note the Parish Council's comments, given that the site layout is similar to the previously approved scheme, it is considered that the proposed development together with the proposed landscaping will result in a well designed traditional and modest scaled development, which will not harm the visual amenity of the landscape or the use of the public footpath and bridle way. As such your officers consider that the proposal offers a limited development which respects the village character and will help to maintain the vitality of the community.

Verbal updates will be given by your officers to Members at the meeting regarding the rainwater collection and the outstanding ecology matters.

## **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 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.

4 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect residential amenities of neighbouring properties and the visual amenity of the locality.

6 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.

7 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site.

8 Following the approval of the Written Scheme of Investigation referred to above, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written



Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

REASON: To safeguard the recording of archaeological matters within the site.

9 The area of orchard planting shown on the approved landscaping plan shall not be used for any purposes other than as general amenity area thereafter. The orchard area shall be laid out and planted prior to the first occupation of the development.

REASON: To improve the visual amenity of the area.

10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

11 That, prior to the first trench being dug, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, finished floor levels and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework, The West Oxfordshire Strategic Flood Risk Assessment and Planning Practice Guidance). If the surface water design is not agreed before works commence it could result in abortive works being carried out on site or additional works being required to ensure flooding does not result, which may result in changes to the approved site layout being required.

12 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

13 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.

REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

14 Prior to the first trench being dug, a scheme for the improvement of the adjacent bridleway shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme.

REASON: In the interests of highway safety.

**INFORMATIVES :-**

0. 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. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk) Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and off site works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- - CIRIA C753 SuDS Manual 2015

**Notes to applicant**

- I 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.

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- Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
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**Contact Officer:** Miranda Clark

**Telephone Number:** 01993 861660

**Date:** 12th May 2021