

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 21st June 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

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

Recommendations:

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

List of Background Papers

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

Please note that:

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

Page Number	Application Number	Address	Officer
11	20/03365/FUL	Ducklington Farm Course Hill Lane Ducklington	Chloe Jacobs
24	20/03581/FUL	41 Burford Road Carterton	Miranda Clark
34	21/00812/FUL	Land At E43950 N213110 Nursery Road North Leigh	Miranda Clark
42	21/00858/OUT	Land North Of 7 St Kenelms Close Minster Lovell	Chloe Jacobs

Application Number	20/03365/FUL
Site Address	Ducklington Farm Course Hill Lane Ducklington Witney Oxfordshire OX29 7YL
Date	9th June 2021
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Ducklington Parish Council
Grid Reference	434310 E 207429 N
Committee Date	21st June 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 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 compliment its surroundings
- o The hop 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 contrary 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

5 PLANNING ASSESSMENT

5.1 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 was deferred for a Members site visit at the May meeting which will take place on the 17th June 2021.

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

5.2 Principle

5.6 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;
- o Telecommunications development sited and designed to minimise impact upon the environment

5.7 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.

5.8 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.

5.9 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.

5.10 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.

5.11 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.

5.12 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

5.13 The original 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.

5.14 The agent is now proposing a condition which would restrict all produce sold at the farm shop to be produced from within a 30 mile radius of the farm shop.

5.15 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.

5.16 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.'

5.17 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 even with a condition which restricts produce to be sold from within a 30 mile radius of the farm, that the proposed farm shop would not meet the criteria of policy E2. This condition would still fail to address officers concerns and would also not reflect a recent decision made by West Oxfordshire District Council at the Uplands Planning Sub-Committee Meeting whereby members decided that a 30 mile radius was not in line with policy E2 in that 30 miles was not considered to fall under the policy requirement and definition of 'immediate locality'.

5.18 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.

5.3 Siting, Design and Form

5.19 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.

5.20 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.

5.4 Impact on the landscape/open countryside

5.21 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."

5.22 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.

5.5 Highways

5.23 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.

5.24 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.

5.25 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.

5.6 Residential Amenities

5.26 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.

5.7 Conclusion

5.27 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 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.

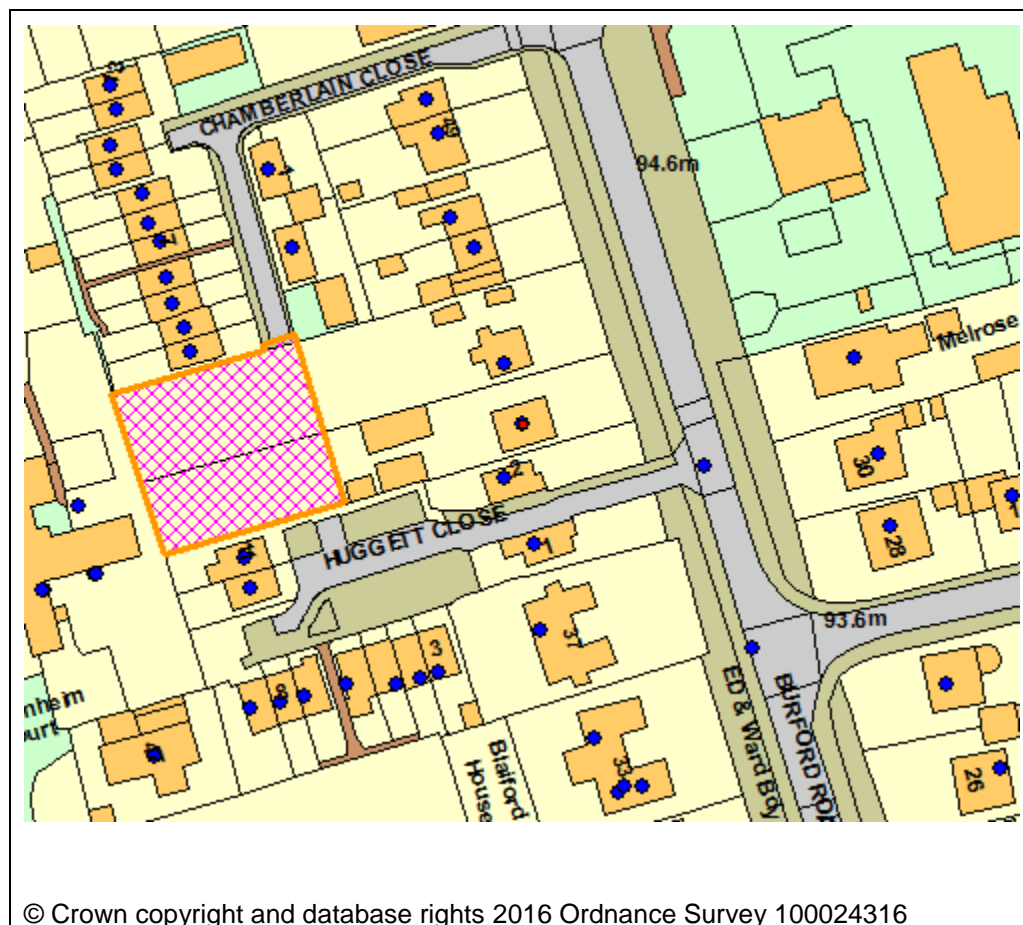
Contact Officer: Chloe Jacobs

Telephone Number: 01993 861697

Date: 9th June 2021

Application Number	20/03581/FUL
Site Address	41 Burford Road Carterton Oxfordshire OX18 3AQ
Date	9th June 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427972 E 207101 N
Committee Date	21st June 2021

Location Map



Application Details:

Erection of four dwellings to the rear of 41 and 43 Burford Road, with associated car parking, access and associated infrastructure. (AMENDED PLANS)

Applicant Details:
C/O Agent

I CONSULTATIONS

Parish Council	Objects: The access would be through Chamberlain Close where access for bin lorries is already tight. There were concerns about parking and the extra traffic this development would create.
OCC Highways	<p>I understand that Chamberlain close is not adopted and the subject of a S38 Agreement.</p> <p>Records show Chamberlain Close to be a private road and not public highway - the red line application area does not therefore include access to the public highway.</p> <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>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, subject to conditions and informative</p>
Biodiversity Officer	Requires further information
WODC Drainage Engineers	Condition requested
ERS Env. Consultation Sites	I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.
WODC Env Health - Lowlands	No Objection in principle.
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, subject to conditions.
Biodiversity Officer	Further information requested

2 REPRESENTATIONS

2.1 Six objections have been received. These have been summarised as;

Although we are a small close we are opposite Carterton Primary school and have to endure cars parking and using the Close to pick up and collect from the school. This causes a lot of aggravation re residents parking and going to and from their house.

There are also a number of small children residing in Chamberlain Close, who use the close to play in as it is safe and only those who live at the end of the close use this part of the road and all are aware of children playing.

Large volumes of cars block the side and front entrance to the close as well as park across my neighbours parking spaces. Increased congestion of further cars would ultimately increase the chance of accidents to both pedestrians and vehicles alike.

An example of how narrow it is, is in fact that the refuse lorry can only drive into the first part of the cul-de-sac as the turning is too tight to negotiate, so the collectors walk down to the end to collect my bin as well as those from seven other houses.

To create this access would also mean destroying 43 Burford Road's mature hedgerow and trees. We have already recently lost large trees and mature hedgerows to the rear of both of our gardens to make way for 31 Cottsway flats that are currently being built in Sycamore Drive. As a result the birds, and there are a large variety of them!, have now all had to relocate to the hedgerows and trees that remain in this garden. They use these hedgerows and trees anyway to nest regularly as well as feed from the apples, plums and rose hips in the garden. There is also several hedgehogs that live there. They visit my garden for feeding before returning back through the fence to the undergrowth. Hedgehogs are in danger of extinction and as a result are now placed on the 'Red List for British Mammals' and their natural habitat should therefore be retained.

There is also the issue of surface water and drainage.

In conclusion I just cannot see how destroying perfectly good gardens, creating additional traffic, taking into consideration the environmental impact and causing extensive disruption to the neighbourhood is justified for a few houses. There are already hundreds of lovely houses being built in Carterton within walking distance to local amenities.

We have to live with these parking issues, blind corner and steady stream of vehicles. Please take these points into consideration. This is our home and we shouldn't be nervous of the associated risks every time we either walk or drive in and out of our home.

I think that it would be sensible for a survey of that nature to be carried out in Chamberlain Close itself as the drainage and surface water could have an impact on the wider neighbourhood. Parts of the block paving have sunk/uneven and in need of repair - I understand that 10 years on from when the houses were built, that the road remains Hannick Homes responsibility to maintain.

I would also be interested to know looking at the revised site plans what allowance has been made to retain any hedgerows/trees between my boundary and 43 Burford Road? Not just because of the ecological impact, but I bought my house, end of cul-de-sac for the position that it holds. The privacy will be totally compromised if planning permission is granted and the entrance created between my front garden boundary and my car port and parking space.

3 APPLICANT'S CASE

3.1 A Planning Statement has been included with the original submission. The conclusion has been summarised as;

The Applicant seeks full planning permission for 4 no. 3 bedroom dwellings, together with car parking, access and associated infrastructure on Land off Chamberlain Close, to the rear of 41 & 43 Burford Road, Carterton.

The application site falls within the built-up area of Carterton; a location which Policy H2 of the Local Plan confirms that new dwellings will be supported (subject to accordance with policies contained in the Local Plan). Within Carterton itself the application site is in a highly sustainable location located just 350m north of the Town Centre.

The application proposals will reflect the existing pattern of development along Burford Road where historically long gardens have been subdivided to create Chamberlain Close (to the north) and Huggett Close (to the south). The proposals will round off existing residential development along Chamberlain Close and will be consistent in scale and design to these existing properties.

Technical Notes in relation to Transport and Drainage matters have demonstrated that the proposals can be satisfactorily accommodated within the existing highway and drainage networks.

In conclusion, the application proposals represent a high-quality development that would make efficient use of land within a sustainable location, complying with relevant Development Plan Policies and National Planning Policy and guidance.

Having regard to the foregoing, it is considered that planning permission can and should be granted subject to suitably worded conditions that meet the tests set out in NPPF paragraph 55.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

5.1 Background Information

5.1 The application site is located within Carterton and adjacent to existing residential properties. The application is seeking planning consent for four, three bedroom properties. The site is 0.08 hectares.

5.2 The application is to be heard before the Committee as the Town Council has raised objections to the proposal.

5.3 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:

5.2 Principle

5.4 The site extends to 0.08 hectares in area and comprises part of the rear gardens of 41 and 43 Burford Road. The site is surrounded by existing two storey residential development on three sides: to the north (Chamberlain Close), east (41 and 43 Burford Road), and south (Huggett Close). To the west of the application site is the site of the former Blenheim Court where works have commenced for the construction of a new independent living scheme for over 55's.

5.5 Your officers consider that the proposal for residential development is compliant with Policy OS2 of the adopted West Oxfordshire Local Plan. This is due to its location within a main service centre and proximity to the town centre.

Your officers have had regard to the general development criteria of this policy, and consider that the proposed development is of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality, and forms a logical complement to the existing scale and pattern of development of the area.

5.3 Siting, Design and Form

5.6 The dwellings will be two storeys in height and constructed of red brick and grey roof tiles to provide continuation of properties along Chamberlain Close which are a mix of red brick and reconstructed stone. The dwellings will have a number of architectural details, including feature brick arches.

5.7 As part of the initial assessment of the proposal, your officers had concerns with the proposed layout which was of a four terraced block. This was in terms of the over dominant form of the development. To enable some form of interest and to reduce the overall over dominant appearance, your officers suggested that the row of four terraced dwellings should be separated into two pairs of semi detached dwellings. Revised plans have been received, which your officers consider to be acceptable.

5.8 Whilst there is an expanse of hardstanding around the frontage of the proposed dwellings, your officers are of the view that landscaping opportunities can be conditioned to soften the impact of the development.

5.4 Highways

5.9 Vehicular access to the site is via Chamberlain Close, to the north of the application site. A total of nine parking spaces are proposed, equating to two spaces per dwelling and one visitor space. Parking spaces for Plots 1 and 2 are situated in the eastern corner of the site, adjacent to Plot 1. Parking spaces for Plots 3 and 4 are situated in the north western corner of the site. It is proposed that one of the parking spaces for each of Plots 3 and 4 will be provided through the provision of Car Ports. A single visitor parking space is proposed to the south of the car ports.

5.10 Your officers have had full regard of the comments raised in the objections received. Whilst a full assessment of the access, parking, and highway safety implications has been carried out, Oxfordshire County Highways officer has raised no objections subject to conditions. The conditions include parking and access specification.

5.5 Residential Amenities

5.11 Given the positioning of the proposed dwellings, which are set away from existing neighbouring properties, your officers are of the view that there would not be an adverse loss of residential amenity to existing or proposed occupiers in terms of loss of light or privacy issues.

5.6 Drainage

5.12 In terms of the objection comments received, your officers can confirm that your drainage officer has fully assessed the proposal, and a condition is to be included within the recommendation.

5.7 Ecology

5.13 At the time of writing, your officers are still awaiting a response from your ecology officer regarding comments made by the agent, following on from your ecologist's further request for additional information. The additional information which was requested from the agent included;

5.14 Previously requested that the scheme minimises the loss of habitat features, has not been addressed.

The retention and management of the features within the rear gardens can therefore not be secured in the long-term. Further habitat features should be considered and further explored to ensure that these are retained, enhanced and created within the public realm.

The proposed scheme should ensure that the mitigation hierarchy is applied and that the extent of vegetation clearance is avoided, minimised or compensated for. As it stands, given that there is no justification for why the habitat features within the north of the site are to be removed, insufficient details in avoiding, minimising or compensating (the mitigation hierarchy) the impacts of the proposed development have been provided.

5.15 The scheme should retain the native trees present on site and native hedgerows can be created along the site boundaries, including along the northern and eastern boundaries. A shade-tolerant seed mix can then be sown alongside the hedgerows, particularly along the northern and western boundaries where the carport and drive are proposed. No data has been obtained from the local environmental records centre (Thames Valley Environmental Records Centre) and therefore the species records within the area surrounding the site are not known. Due to the site offering opportunities for a number of protected species (including hedgehogs, birds, reptiles and bats) a data search should be obtained from TVERC.

5.16 The agent has responded to these comments with;

Whilst at face value some of the concerns raised by the Assistant Biodiversity Officer may appear to be significant, upon closer inspection they can be explained fairly simply. For instance, the very small size of the site necessarily means that space within the scheme is exceptionally limited. As a result, losses to existing vegetation are unfortunately unavoidable, and the scope for new planting is similarly fairly limited. However, it is important to recognise that as set out in the Ecological Assessment report the site comprises part of two existing residential gardens, and only supports habitats that are only of local biodiversity value. As such, whilst the proposals have sought to retain and enhance on-site habitats - through new native tree and scrub planting - it is important to recognise that this must be balanced against other design practicalities and benefits of the scheme.

5.17 With regard to the need for a desk study exercise, having discussed this with the ecological consultant, they have explained that this element is generally undertaken to assist with the assessment of potential effects arising from proposals. In the context of this site, the completion of a desk study exercise is highly unlikely to provide any further information to inform an assessment of potential effects, such that there would not be any change to the avoidance, mitigation and enhancement measures which already form part of the proposals. The comment provided by the Assistant Biodiversity Officer seems therefore to be focused upon the process of assessment, and not the outcome of the assessment itself, given that this would not provide any material benefit to inform the assessment nor would refine any avoidance / mitigation which is required.

5.18 As the Assistant Biodiversity Officer has not raised any concerns regarding the ecological survey and assessment work which has been undertaken - save the points referenced above - and as she has not raised any other concerns in relation to the avoidance and mitigation measures that have been proposed in respect of protected species on a precautionary basis (which have been put forward specifically in light of her earlier consultation response), in our view there should be no overriding issues in relation to ecology and biodiversity at this site.

5.19 It is anticipated that a full verbal update will be given by officers to Members at the meeting.

5.8 Conclusion

5.20 In conclusion your officers consider that the principle of development is acceptable in this location. The application site is located within an area characterised by residential development. The application proposal is considered to compliment the character of the surrounding area. The proposed development is consistent in scale and design to the properties at Chamberlain Close and Huggett Close, including through the use of the proposed materials. As such your officers are of the opinion that the proposed development accords with the relevant policies of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

A verbal update will be given at the meeting regarding ecology issues.

6 CONDITIONS

- I. 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 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.

5. No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

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

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

7. 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. 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.

8. The carport(s) shall not be altered or enclosed and 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.

9. 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 the residential amenities of existing and proposed occupiers, and to ensure sufficient car parking provision is retained.

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

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
- 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

0. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Notes to applicant

- 1 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
- 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

- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

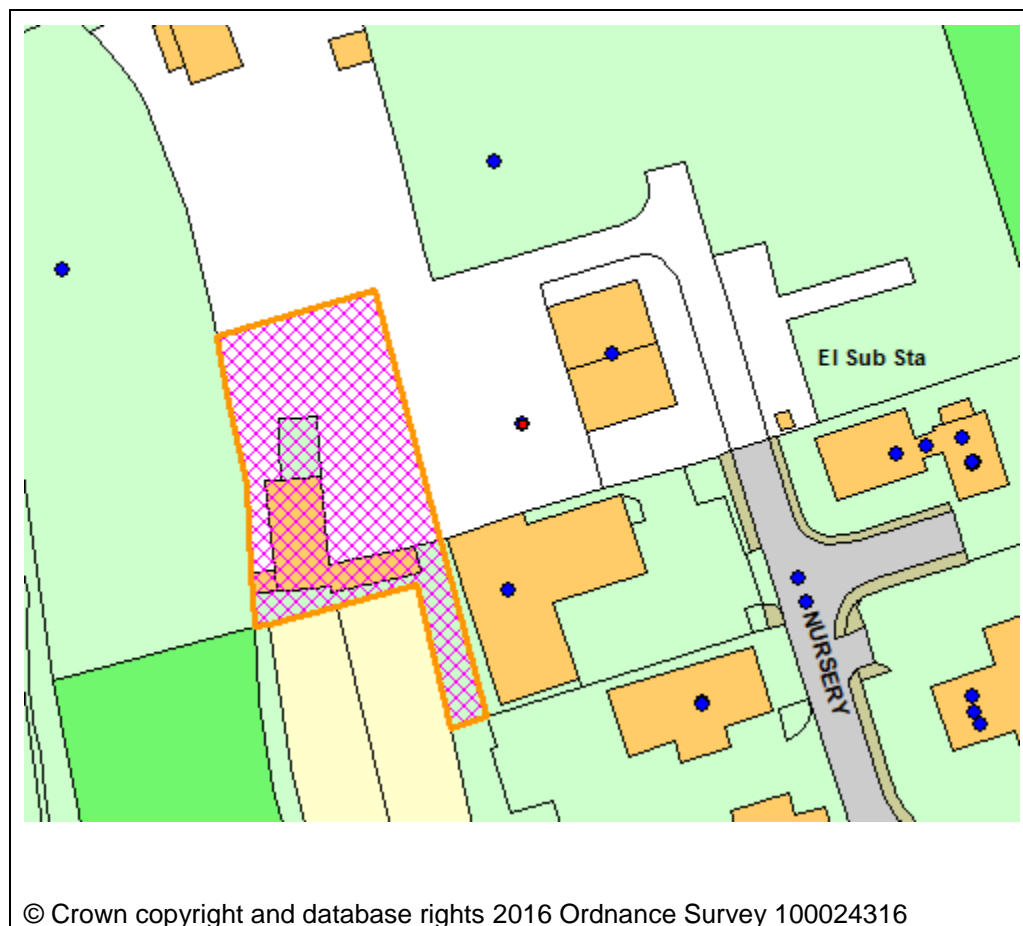
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 9th June 2021

Application Number	21/00812/FUL
Site Address	Land At E43950 N213110 Nursery Road North Leigh Business Park North Leigh Oxfordshire
Date	9th June 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	439350 E 213110 N
Committee Date	21st June 2021

Location Map



Application Details:

Erection of Industrial building for storage (class B2 use) with offices. Associated works including landscaping and parking.

Applicant Details:

Mr D Hobley
DH Building Services Ltd
North Leigh Business Park
North Leigh
Oxon OX29 6SN

I CONSULTATIONS

Parish Council	<p>North Leigh PC objects to this application on grounds of the damaging impact on the local landscape and amenity of neighbouring residents. Although approval 19/01469/FUL is currently under construction, it is now proposed that a new unit will be erected almost on the site boundary. The ridge height is in excess of 7.5 metres and five windows, two at 5 metres face onto private homes on Park Road and Wilcote View.</p> <p>It is obvious that:</p> <ul style="list-style-type: none">- The height of the unit will be clearly visible and impact on the rural skyline when viewed from the north and west.- The windows will have a clear view into private homes.- There will be insufficient space to plant urgently required new tree screening. <p>The PC urge officers and the applicant to review the proposals to:</p> <ul style="list-style-type: none">- reduce the height of the unit- relocate the unit away from the boundary- and relocate the windows from their present aspect.
OCC Highways	<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, subject to condition.</p>
ERS Env. Consultation Sites	<p>The information submitted with the application suggests that potentially contaminating substances may have been used and stored at the site. Please consider adding a condition to any grant of permission.</p>
WODC Env Health - Lowlands	<p>I have No Objection in principle.</p>
WODC Drainage Engineers	<p>No objection, condition and informative to be attached to recommendation</p>

OCC Rights Of Way Field
Officer

North Leigh Footpath 21a runs along the western boundary of the site and will not be affected by the proposals so I have no objections. However, it is worth noting that I have written to the landowner previously advising that the conifer hedge which runs along the boundary (and is the responsibility of the landowner) is significantly encroaching onto the footpath. I have received no response from the landowner so if you could pass this on for them to consider.

Newt Officer

No Comment Received.

2 REPRESENTATIONS

2.1 Over ten objection comments have been received. These have been summarised as;
The proposal would be a dominating feature that would impose upon the surrounding area and not leave sufficient space for a boundary to screen the building.

The building would be clearly visible to the surrounding properties and to anyone using the nearby footpaths, which are currently secluded from industrial buildings.

Set a precedent for future developments of a similar nature

Building should be reduced to single storey and be set further back from the boundary to allow a proper and effective screen for the whole village and an environment for local wildlife.

Any glazing to be set in a manner that would not cause any glare to neighbouring properties and for the proposed parking to be located well away from the boundary.

Ensure the building is a neutral colour e.g. olive green, so it blends in throughout each of the seasons. The proposed 2 storey building would create a massive impact on both the end of our garden and the view from across the fields and footpath.

Being so close to the corner of the site, and in such a prominent position, it should be no taller than the present building, with no windows on the South or West elevations. (offices at the east end not west end?).

Further to this there should be tree screening to both South and West elevations.

Any planning decision needs to address the impact of not only the visual impact of this development but also other environmental concerns such as the increased traffic, noise, light and air pollution an extension of this estate would have on the very close proximity of residents in this rural setting.

Other considerations that need to be addressed are the various impacts this development will have on natural environment. This rural setting has a very diverse and important flora and fauna. The extra noise, light and air pollution that will undoubtedly result from this development will have an effect of this diversity.

the increase in hard surfacing that will be associated with this development will result in more water run-off on to the public footpath (21a) which is already suffering degradation due to rain water being allowed to drain on to the path surface from an existing building.

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted with the application. The conclusion of which has been summarised as;

The building will respect the form, scale, siting of surrounding buildings and with appropriate traditional building materials and colour etc. to match. Existing features which identify the location will be protected, together with the surrounding landscape (together with the proposed landscaping approved under condition of the current planning approval) and setting will not be adversely affected with the character of the area remaining intact and conforms to local authority planning policies. Furthermore, with the location of the proposal being on an infill piece of land the development will have minimal, if any, impact on the existing commercial properties and business park.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

E1NEW Land for employment

T4NEW Parking provision

OS4NEW High quality design

EH3 Biodiversity and Geodiversity

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

5 PLANNING ASSESSMENT

5.1 Background Information

5.1 The land is located at the rear of North Leigh Business Park just off the A4095. The existing business park has several commercial units of varying sizes, scales for a variety of business uses.

5.2 The application seeks planning consent for the erection of an industrial building for storage (class B2 use) with offices with associated works including landscaping and parking.

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

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:

5.2 Principle

5.5 Your officers consider that Policy E1 Land for employment of the adopted West Oxfordshire Local Plan is the most relevant policy when assessing the principle of such a development. This policy states that for existing employment sites 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.

5.6 The proposed building is to replace an existing portacabin on site. The replacement building will be a modern replacement commercial premises for storage and office facilities. Three units are proposed and an office section accommodated in the one building.

5.7 As such in terms of the principle of development, your officers consider that given the location on an established business park and the scale proposed of the building, that the proposal accords with Policy EI.

5.3 Siting, Design and Form

5.8 The proposed building is set off the boundary with the existing public footpath by approximately 2m. The height of the proposed building is approximately 7.9m, length 21m and depth to be approximately 14.9m. Due to the overall scale of the proposed building, a shallow pitch roof will result which is similar to such buildings elsewhere on the Business Park and across the District. Facing brick is proposed to be used to tie in with the adjacent existing buildings.

5.9 Your officers consider that the scale and form is appropriate for such a commercial purpose and will not harm the immediate setting of the locality. Whilst it may be visible within the landscape, given the existing commercial buildings and that the building is sited within a formal business site, it will be seen against this setting, and not a building in isolation.

5.10 Proposed screening is proposed which formed the landscaping plan of a previous discharge of condition application in 2017. It is proposed to use Silver Birch for this section of the boundary with the footpath, adjacent to the existing mature conifer hedging.

5.4 Highways

5.11 OCC Highways have been consulted on this application and have raised no objections.

5.5 Residential Amenities

5.12 Comments have been received regarding loss of privacy from first floor windows. Your officers consider that as the proposed building will be separated of over 40m from existing residential properties to Park Road and Wilcote View that this is not considered to adversely affect loss of privacy or overbearing issues.

5.13 Your officers are suggesting a condition to request details of windows, to seek ways to ensure that the proposed windows to not result in an adverse glare.

5.6 Ecology

5.14 Your officers have included a condition to request bat and bird boxes for the proposed development.

At the time of writing a response has not yet been received from your Newt officer. As such a full verbal update will be to Members by your officers at the meeting.

5.7 Conclusion

5.15 It is considered by your officers that the proposed office/storage building will be of a scale commensurate with the scale of the village and the character of the area. Full consideration has been given in relation to the comments received, however given the existing use of the whole business park, the proposed screening, the relatively modest scale of building, and the distance between the application site and existing residential properties, that the proposal is compliant with the relevant policies of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

5.16 However a verbal update will be given at the meeting regarding any adverse impact to Newts which are within the vicinity of the application site.

6 CONDITIONS

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 premises shall be used for the purposes as set out within the application only.

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

5 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.

6 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 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 (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.

7 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To ensure any contamination of the site is identified and appropriately remediated.
Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

8 Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated 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) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, 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 new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

9 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the detailing of the building is sympathetic to the visual character of the area.

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;
- 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.

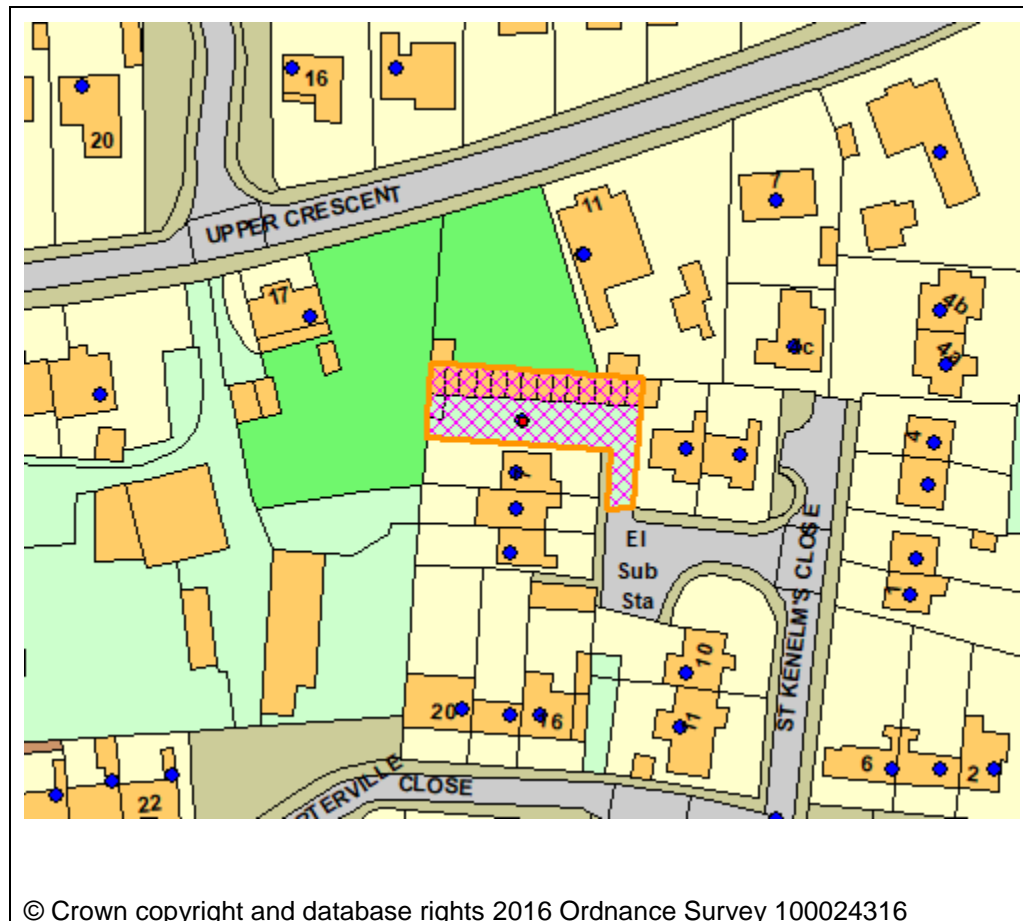
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 9th June 2021

Application Number	21/00858/OUT
Site Address	Land North Of 7 St Kenelms Close Minster Lovell Oxfordshire
Date	9th June 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431277 E 210879 N
Committee Date	21st June 2021

Location Map



Application Details:

Erection of one new dwelling house and associated parking.

Applicant Details:

Cottsway Housing

C/o Agent

I CONSULTATIONS

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

- There is no indication in the plans of where the cars currently being parked in these garages or on the car park would park instead. This area is crowded with parked cars on the street and the Council feels that this will cause issues with dangerous and inconsiderate parking in this area of the village as well as potential safety issues for pedestrians and those crossing the road in between these parked cars.
- The new property would have a negative impact upon the listed and historically significant buildings and homes surrounding the development site and would not be in keeping with the other properties in this part of the village.
- The Council is concerned that the property may be expanded to a two-storey property in the future, which would have a particularly negative impact upon the neighbouring properties of the area.
- The access to this area is very narrow and constrained. It would create a difficult access point for a permanent dwelling and would be particularly unsuitable for use by large vehicles during the construction phase.

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

Recommendation:

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

WODC Env
Health -
Lowlands I have No Objection in principle.

WODC
Drainage
Engineers 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 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. 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.

ERS Env. No Comment Received.
Consultation Sites

2 One letter of representation has been received raising a general comment regarding the application:

All though I have no objection in principle to the erection of a low rise bungalow, I would be very concerned on the impact it would have to the rear of my listed Charterville bungalow should the applicant changed the build to a double storey chalet bungalow or house.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH11 Listed Buildings

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

5.1 Background Information

This application seeks outline consent for the erection of a detached dwelling and associated parking on land north of 7 St Kenelms Close in Minster Lovell with all matters reserved. The site forms part of an existing garage parking facilities which serves St Kenelms Close. The site does not fall within any areas of special designated control.

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

Impact on Listed Building

5.2 Principle

Minster Lovell is defined as a village under Local Plan Policy OS2. Local Plan Policy OS2 states that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan.

Policy H2 states that new dwellings will be permitted on previously developed land within the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;

The criteria of policy OS2 include requirements that development should: be of a proportionate and appropriate scale to its context; form a logical complement to the existing scale and pattern of development and/or character of the area; protect or enhance the local landscape and setting of settlements; not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area; and conserve and enhance the natural, historic and built environment.

St Kenelms Close comprises uniform post-war, low density housing in semidetached configurations with generous front and rear gardens with houses typically positioned toward the front of plots. Whilst the plans submitted are only indicative at this stage, officers are of the opinion that a development of the proposed siting, scale, design and form shown which complies with the principles set out in OS2 could be achievable at the reserved matters stage.

5.3 Siting, Design and Form

The application is in outline only, to establish the principle of development, with all matters reserved for future detailed consideration. Plans have been submitted for illustrative purposes only, indicating a detached, single storey 3 bedroomed market dwelling sitting within the centre of the plot. Potential access is indicated to remain as existing including a turning area and two parking spaces to the front of the site. Potential amenity space is indicated to the western part of the site.

The proposed form, massing and scale of the potential dwelling is considered to be in keeping with the surrounding properties and the size of the plot. Sketches of a gabled-design have been submitted, which again would be in keeping with the nearby properties.

5.4 Highways

The proposed development would be served by an existing access onto St Kenelms Close, and would be capable of providing at least two parking spaces, with a manoeuvring area to the front of the property.

Minster Lovell Parish Council has raised objections to the proposed scheme as no information regarding where the cars within the existing garages/car park are to be relocated to. They have also raised concerns in regards to the impact additional parking would have in regards to highways safety and convenience.

The proposed access and parking is also a reserved matter. Oxfordshire County Council Highways have been consulted on the application and raise no objection. Given that Highways Officers are satisfied

with the proposed parking arrangement on site, the scheme is considered to be acceptable on highway safety grounds.

5.5 Residential Amenities

In terms of residential amenity, officers are of the opinion that the indicative plans shows it is possible to site a single storey dwelling an appropriate distance from the neighbours, and given that the impact on neighbours will be assessed in detail on site as part of any reserved matters application, the development is considered to be acceptable at this stage in these terms.

5.6 Impact on Listed Building

Concerns have been raised in regards to the impact of the proposed new dwelling on the setting of the Grade II Listed, Charterville Bungalow at 11 Upper Crescent.

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

With regard to the impact on the setting of the listed building, the proposed dwelling is not considered to obscure the historical architecture of the existing listed building. Owing to the separation distances and intervening tree cover, your officers are of the opinion that the significance of these assets would not be materially affected, either directly or in terms of their setting. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policy EH11 of the Local Plan.

5.7 Conclusion

In light of the above, the principle of the provision of one dwelling on the site is considered to be acceptable and compliant with policies OS2, OS4, H1, H2, H6, EH11 and T4 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF 2019.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Details of the Layout, Scale, Appearance, Access and Landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3 The development shall be carried out in accordance with the site location plan. The development shall be limited to up to one dwelling consistent with the submitted Planning Application by BHP Harwood Architects 2021.

REASON: For the avoidance of doubt as to what is permitted.

Contact Officer: Chloe Jacobs

Telephone Number: 01993 861697

Date: 9th June 2021