

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 8th November 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

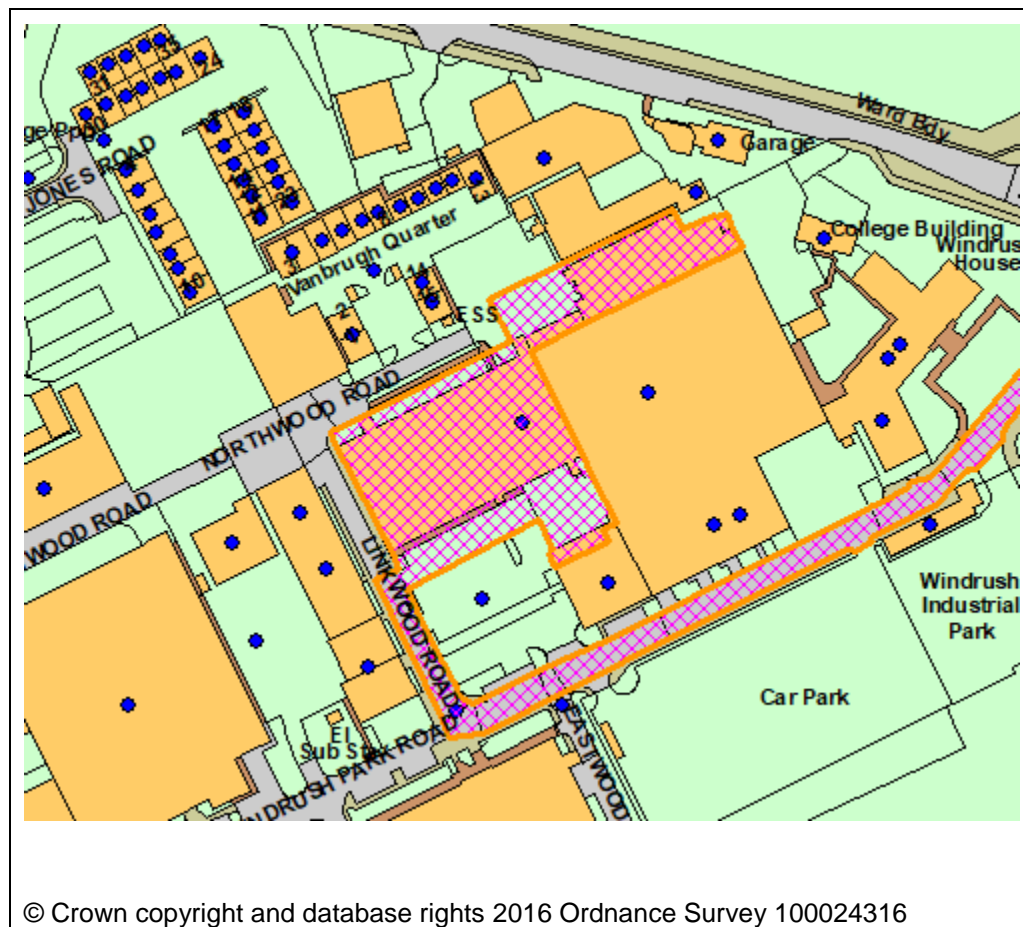
Please note that:

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

Page Number	Application Number	Address	Officer
13	20/02720/FUL	Building 2 And 3 Windrush Park Road, Witney	Miranda Clark
21	21/02248/FUL	Gateway House Windrush Park Road, Witney	Miranda Clark
31	21/02896/FUL	The Newlands Inn 45 - 47 Newland Street, Eynsham	Miranda Clark
39	21/02929/FUL	Land At Windrush Park Windrush Park Road, Witney	Miranda Clark

Application Number	20/02720/FUL
Site Address	Building 2 and 3 Windrush Park Road Windrush Industrial Park Witney Oxfordshire OX29 7EZ
Date	27th October 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433308 E 210469 N
Committee Date	8th November 2021

Location Map



Application Details:

Demolition of existing redundant asbestos clad industrial building (building 2 and part of building 3F) to provide new car parking for 135 cars together with associated works.

Applicant Details:

M Nicholas Howe
Welland Property Unit Trust
C/o Canmoor
34 Dover Street
London
W1S 4NG

I CONSULTATIONS

Major Planning Applications
Team

Revised plans:

Objection

Detailed comments:

LLFA appreciates the new information submitted. However, the site needs a standalone drainage strategy report submitted in accordance with the latest, local and national guidance.

The calculations provided must adhere to our guidance for full applications.

As there are new car parking spaces proposed and the site falls within Groundwater Vulnerability Zone, the applicant must provide water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.

In addition, proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

A detailed surface water management strategy must be submitted in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire.

Major Planning Applications
Team

No Comment Received.

Biodiversity Officer

No objections – conditions

Parish Council

Witney Town Council object to this application. The LLFA requires a comprehensive drainage strategy, the appended document does not meet what is being asked for by Oxfordshire County Council. Witney Town Council echo comments from the OCC response and would like to see a drainage feature incorporated in the proposed development.

The transport statement is inconsistent and hasn't been modelled on

a car parking requirement for the wider site use, the statement doesn't make a case for the requirement of 135 parking spaces.

Members would like to see an Asbestos Management Strategy for the works to ensure that all safety and contamination risks are properly managed.

Major Planning Applications
Team

Objection

Detailed comments:

The proposed development needs a standalone drainage strategy submitted in accordance with the latest, local and national guidance. As there are new car parking spaces proposed and the site falls within Groundwater Vulnerability Zone, the applicant must provide water quality assessment in accordance with Section 4 and Section 26 of SuDS Manual.

In addition, proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

Conservation Officer

No Comment Received.

Natural England

No comments to make

WODC Env Health - Lowlands

I have No Objection in principle.

WODC Business Development

It would be helpful to know how this proposed development fits with the overall masterplan for the site. The application doesn't seem to include a design and access statement or similar so it is hard to know what the context is for the application.

Biodiversity Officer

More information requested

TV Police-Crime Prevention
Design Advisor

No Comment Received.

Newt Officer

No comments to make

Adjacent Parish Council

Curbridge PC - No comments

Parish Council

Witney Town Council objects to this application as the applicants need to provide drainage strategy with proper SUDS consideration and more information on what the parking is for.

2 REPRESENTATIONS

2.1 No comments received

3 APPLICANT'S CASE

3.1 No supporting documents were submitted with the application.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

E1NEW Land for employment

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

EH7 Flood risk

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application site is located within a mature industrial park located off Burford Road in Witney.

5.2 The proposal seeks planning permission for the demolition and part demolition of buildings to provide new car parking. This is part of a new master plan for the whole park.

5.3 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Town Council have raised objections.

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

5.5 The application seeks planning permission to demolish two existing buildings and to replace them with hardstanding in order to create a new car park for the adjoining warehouse units and a new access point to the site.

5.6 Policy E1 of the adopted West Oxfordshire Local Plan discusses land for employment. It states 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.

5.7 The proposal is required to improve the overall industrial park. As such your officers consider that the principle of such development is acceptable in this location.

Siting, Design and Form

5.8 The existing buildings are both large disused warehouses with a number of smaller rooms. The first building is of a single storey form constructed of brick, with the second building being smaller but of similar construction. Your officers consider that the removal of these buildings will not detract from the visual appearance of the overall site as they do not contribute to the general visual appearance of the area outside of the application site.

Highways

5.9 Your officers have received an objection from OCC in terms of drainage which is also of concern from the Town Council. At the time of writing your officers are anticipating a response from OCC after further supporting information has been received from the applicant.

Residential Amenities

5.10 The proposed works will not adversely affect residential amenities given the location of the site which is set away from residential dwellings. Your Environmental Health officer has not raised objections. In terms of asbestos this would be dealt with under Building Regulations/Environmental Health legislation.

Ecology

5.11 After expressing initial concerns regarding biodiversity further information was sought from the applicant. Your ecology officer has now no objections subject to conditions.

Drainage

5.12 OCC as the Lead Local Flood Authority have raised concerns regarding the lack of a stand-alone drainage strategy. Further information has been submitted but it did not resolve the concerns so officers have gone back to the applicant for more detail.

Conclusion

5.13 Whilst there is still an outstanding issue regarding the drainage associated with the proposed use, your officers consider that the principle of such a development is acceptable and complies with the relevant policies stated within the report. It is anticipated that officers will provide a full verbal update at the meeting.

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 development shall be completed in accordance with the recommendations in Sections 3 & 4 of the Ecological Impact Assessment, dated 21st May 2021 prepared by Clarkson & Woods Ecological Consultants, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats and birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (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.

5 Before the site first comes into use, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) either mounted onto the external walls of the buildings or onto mature trees on site, as well as hedgehog gaps/holes within any new fences/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 buildings 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 174, 179 and 180 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.

6 Before the site first comes into use, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that 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, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 Prior to the proposed car park being open for use a minimum of 20% of spaces shall be provided with the facility to charge electric or hybrid vehicles. These spaces shall be retained hereafter.

Reason: To encourage the use of ultra-low emission vehicles in accordance with paragraph 110 of the NPPF.

INFORMATIVES :-

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

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

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

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

Notes to applicant

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.

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In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

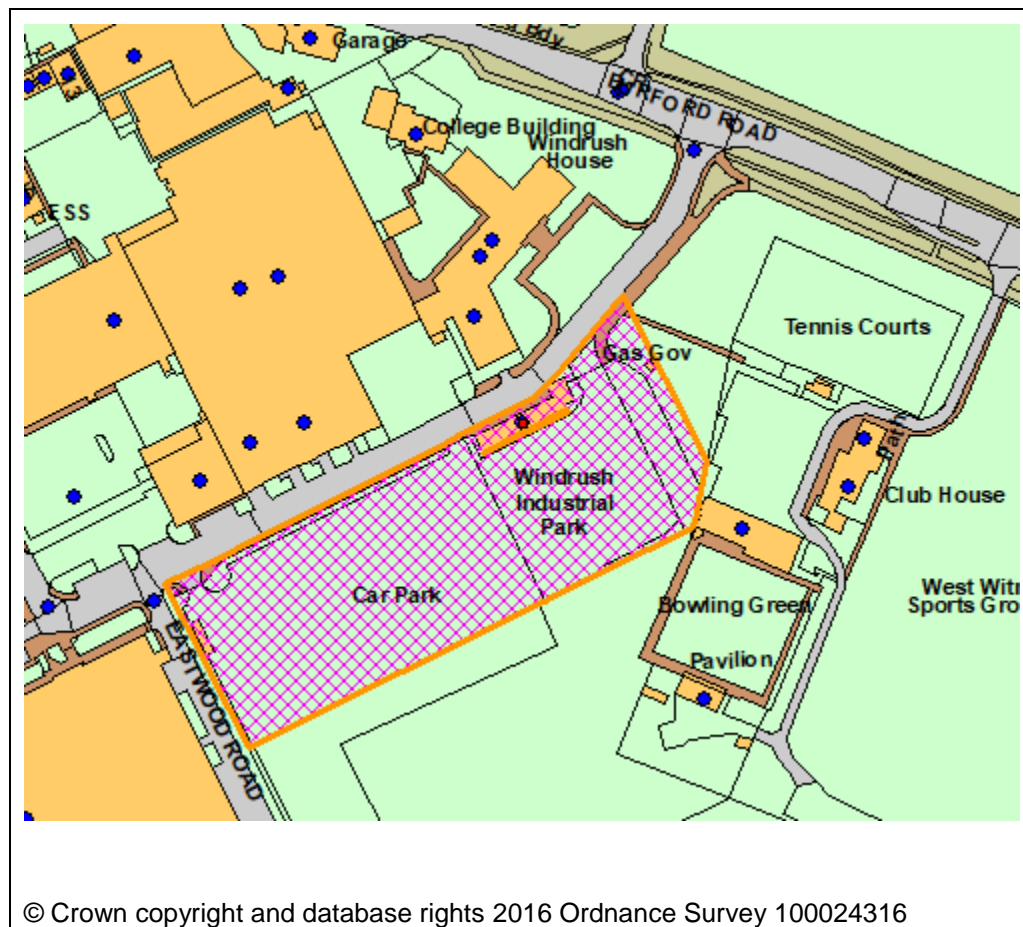
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 27th October 2021

Application Number	21/02248/FUL
Site Address	Gateway House Windrush Park Road Windrush Industrial Park Witney Oxfordshire OX29 7EY
Date	27th October 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433443 E 210435 N
Committee Date	8th November 2021

Location Map



Application Details:

Erection of nine industrial units, to include external ancillary service areas, car and cycle parking.

Applicant Details:

Mr Nicholas Howe
C/O Canmoor
34 Dover Street
London
W1S 4NG

I CONSULTATIONS

Parish Council

Witney Town Council object to this application:

1) The plans do not illustrate safe on-site access for pedestrians or to the cycle facilities. West Oxfordshire Local Plan encourages active travel to work through Policy OS2, T1 and T3, Members note that the proposed plan fails to make adequate provision of measures to encourage non-car modes of transport.

2) Members note the concerns of Thames Water and request an appropriate sustainable surface water strategy before approval is considered and that this approach be in line with the requirements as outlined in the relevant Planning and flood risk paragraphs of the NPPF. Further, that the identified 'inability of the existing water network to accommodate the needs of this development proposal' be fully assessed and considered.

3) Members note that the ground assessments have shown evidence of asbestos and other harmful contaminants present at the site. Witney Town Council request that to comply with Policy EH8, the report findings be given due consideration by Officers and an Asbestos Management Plan be submitted and approved ahead of works commencing.

4) The proposal locates buildings too close to the site boundary and misses an opportunity for soft landscaping buffers to be introduced.

5) The proposal does not include satisfactory provision towards meeting the needs of the declared climate emergency. Measures could include solar panels and electric vehicle charging points. Members welcome a revised proposal that more closely meets the environmental objectives as set out in the WODC Local Plan overall strategy and in particular, to comply with Policy OS3.

Witney Town Council does agree in principle to the redevelopment of this site and would rather welcome an application with a revised proposal that addresses the concerns outlined above.

Thames Water

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning

application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

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 development 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" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

Major Planning Applications

Objection for the following reasons:

Team	<p>The proposed layout fails to ensure that safe and suitable access to the site can be achieved for all users - contrary to 108 (b) NPPF The proposed plans fail to make adequate provision of measures that encourage sustainable travel - contrary to 108 (a) NPPF</p> <p>Parking provision has been based on B8 standards across all units rather than on the floor area of each unit with respect to the allocation</p> <p>If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a s106 agreement including an obligation to enter into a s278 agreement to mitigate the impact of the development.</p> <p>Public transport infrastructure £25,000 Q3 2021 Baxter New shelters at the two existing bus stops on Burford Road, including a set of premium route pole, flag and timetable cases.</p> <p>Travel Plan Monitoring £1,446 Q3 2021 RPI-x Travel plan monitoring for a period of 5 years.</p> <p>Local Lead Authority - No objections subject to conditions</p>
WODC Env Health - Lowlands	I have no objection
Biodiversity Officer	Further information required
TV Police-Crime Prevention Design Advisor	<p>Whilst I do not wish to object to the current proposals, I make the following comments;</p> <p>Car parking I have significant concerns that the car park to the north-east of the development lacks surveillance, leaving vehicles and their occupants vulnerable to crime and antisocial behavior. Unless robustly secured, this car park is also vulnerable to illegal encampments. From plans submitted I am unable to locate a boundary treatment or lighting plan, so am unable to identify any security measures proposed in this area. Given the lack of natural surveillance over this car park, I ask that it is robustly secured with durable and visually permeable fencing, and gating which can be effectively secured out of hours. The car park must also be sufficiently lit to the standards of BS5489-2020 during hours of use, and covered by formal CCTV. CCTV should be integrated into the lighting design to prevent interference.</p> <p>Fire exit doors/Recessed entrances The proposed fire exits for units 5 and 7 (and possibly 8/9) are located in a vulnerable position with no natural surveillance, with walkways creating a hiding place for offenders. Similarly the goods entrances for units 4-7 are recessed, reducing surveillance over them from the main road. I ask that the fire escape routes are secured with</p>

a minimum 1.8m high visually permeable fence and gate which can only be opened from the inside.

No details regarding formal surveillance within the site (CCTV) has been mentioned. It is recommended that where surveillance of concealed, secluded areas, such as the goods entrance doors, fire exit doors and main car park cannot be achieved, CCTV (formal surveillance) should be considered. CCTV can have a positive impact on crime, especially when implemented as part of a wider package. However, CCTV should not be considered as an alternative to good design. CCTV is most effective when combined with good lighting and designed to counter a set of offences, and supported by management, continuous monitoring and adequate response.

ERS Env. Consultation Sites Please add condition

Major Planning Applications No Comment Received.
Team

2 **2 REPRESENTATIONS**

2.1 No comments have been received.

3 APPLICANT'S CASE

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

The proposal is for development of 9No. new light industrial/ warehouse use classes E(g)iii, B2 and B8 units with ancillary office space, associated parking and service yards. The size range of the proposed units have been developed with the estate agents to ensure it meets the local demands and prospective tenant's requirements. Each unit has its own designated car parking and service yard area accessed interdependently off the shared service road. The buildings have been orientated with all the service areas facing inwards so that they have minimal visual and acoustic impact on the local residential development and sports grounds to the east of the site.

The forms are simple and well-proportioned for buildings of this type where clear internal heights and volumes are required. The buildings have been designed to combine contemporary materials with crisp, modern and simple detailing with the use of various cladding profiles and colours within a considered palette. These materials will be used to create a strong, clear and high-quality appearance. The facades visible from outside the site boundaries have been deliberately kept simple so that they provide a visual backdrop which respects the existing urban context surrounding the site.

The road layout within the site had been designed to allow for the manoeuvrability and turning of all vehicles within their respective service areas. Separate areas for car parking have been provided, and these areas also incorporate pedestrian access to the buildings' main entrances.

The site is within Flood Zone I

A number of ecological enhancements have been proposed for the Site including the inclusion of both bat roosting boxes and bird nesting boxes, and a habitat pile in the south east of the Site within a new area of wild flower and grass seeding.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T4NEW Parking provision

E1NEW Land for employment

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

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

3 5 PLANNING ASSESSMENT

Background Information

5.1 The application site is located within an existing mature industrial park within Witney. The site area is 11,143 sqm /2.75 Acres.

5.2 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Town Council has objected.

5.3 The proposal seeks planning consent for the development of nine new light industrial/ warehouse units with ancillary office space, associated parking and service yards with E(g)iii (industrial processes), B2 (general industrial) and B8 (storage and distribution) classification of uses.

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

5.5 Both Policy OS2 and Policy E1 of the adopted West Oxfordshire Local Plan are considered to be relevant when assessing the proposed development. Policy OS2 Locating development in the right places states that a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton.

All development should:

- *Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*
- *Form a logical complement to the existing scale and pattern of development and/or the character of the area;*
- *Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*
- *Not be at risk of flooding or likely to increase the risk of flooding elsewhere*

5.6 Policy E1 which discusses existing employment sites 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.

5.7 Your officers consider that the principle of nine industrial units is acceptable in this location.

Siting, Design and Form

5.8 The existing site consists of a parking area as well as an existing unit. Other industrial units which form the rest of Windrush Industrial Park surround the site to the north and west. The site is bound by Windrush Park Road to the north, sports facilities of Witney Tennis Club and West Witney Sports and Social Club to the east, open land to the south and Eastwood Road to the west.

5.9 The proposed smaller industrial units 1 to 3 are located towards the north eastern boundary of the site with the medium sized units 4 to 7 further west in the middle of the site, with the site layout then culminating in the larger units 8 to 9 which are located towards the west boundary.

5.10 The proposed design of the buildings are modern, with grey cladding for the walls and the roof will also be of steel cladding. Your officers consider that the design and the use of materials will improve the overall appearance of the industrial park.

Highways

5.11 OCC as Highways Authority has objected to the proposal. At the time of writing your officers are awaiting a further response from OCC given that the applicant has provided further information. It is anticipated that a verbal update will be given at the meeting.

Residential Amenities

5.12 Given the location of the proposed units, your officers do not consider that the proposal will adversely affect the residential amenities of existing dwellings. Your Environmental Health officer has not raised objections.

Ecology

5.13 With regards to the comments received, your officers consider that conditions can be included as part of the recommendation to cover these issues.

Conclusion

5.14 Your officers consider that the principle of development is acceptable in this location. The proposed units will be a mix of smaller units and of a more modern design to ensure that the existing industrial park is retained for its purpose. It is stated within the supporting text of Policy EI that the Council will seek the retention of all employment sites where there is an on-going prospect of a suitable business use and will support the expansion and redevelopment of sites of an appropriate scale to enable businesses to expand, adapt and make the most efficient use of this resource. Your officers are of the opinion that the scale of the proposed redevelopment reflects the character of the area and is within a sustainable location.

5.15 However a full verbal update will be given with regards to the highways issue at the meeting.

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 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.

5 The development shall be carried out in accordance with the recommendations within the Ecological Impact Assessment prepared by Clarkson & Woods as summarised in the approved Design and Access Statement.

REASON: To avoid the doubt of what has been approved.

6 Before the site first comes into use, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that 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, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 Before the site first comes into use, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) either mounted onto the external walls of the buildings or onto mature trees on site, as well as hedgehog gaps/holes within any new fences/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 buildings 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 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

8 Prior to the first trench being dug a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (where applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Consent for any connections into third party drainage systems

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing: Reference: Windrush Park Road, Witney - Plot C, Flood Risk Assessment, 21-007_Windrush Park Road, Witney - Plot C, 30th March 2021, Rev – Final

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal.

9 Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register.

The details shall include:

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal.

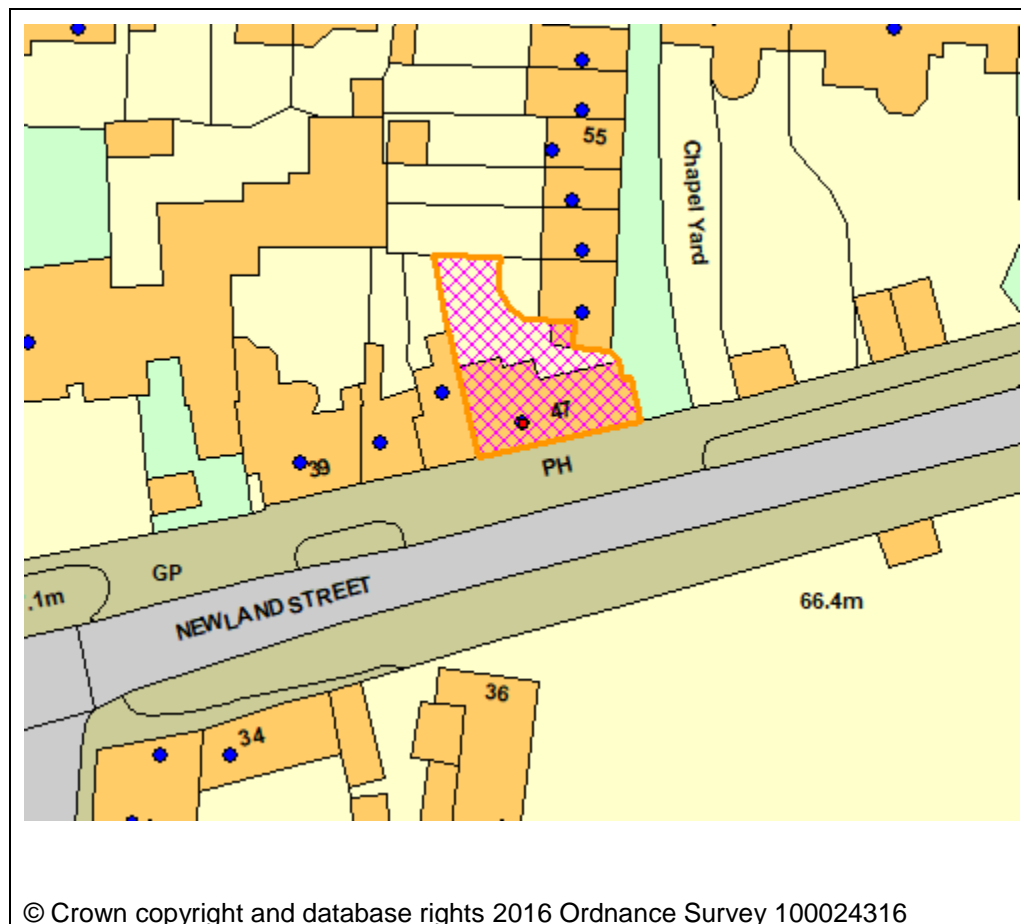
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 27th October 2021

Application Number	21/02896/FUL
Site Address	The Newlands Inn 45 - 47 Newland Street Eynsham Witney Oxfordshire OX29 4LD
Date	27th October 2021
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443554 E 209577 N
Committee Date	8th November 2021

Location Map



Application Details:

Conversion of public house to a residential dwelling.

Applicant Details:

Mr and Mrs Jermemy and Ann Woodin
67 Southern By-Pass
North Hinksey
Oxford
Oxfordshire
England
OX2 0LA

I CONSULTATIONS

Parish Council

Eynsham Parish Council strongly objects to this application as follows:-

It is noted the applicant considers that the business isn't viable, however the Parish Council has been reliably informed that it is. Pubs and eating places are an important part of the social fabric of Eynsham. As the number of residents is expected to increase significantly over the forthcoming years, any further reduction in the overall provision of such premises should be resisted.

No evidence has been provided that shows there has been a robust marketing exercising or information clearly demonstrating there is no reasonable likelihood of the business use being viable. The application is therefore contrary to West Oxfordshire Local Plan 2031 (WOLP) policy E5 Local Services & Community Services (and wider policies) and Eynsham Neighbourhood Plan 2031 policy 11C Retail.

The Newlands Inn is located in the Eynsham Conservation Area and is a Grade II listed building. The Council therefore consider that the application is contrary to WOLP policy EH11 Listed Buildings. The Council is somewhat surprised there is no listed building application and comments that the quality of the application is lower than is expected or required.

The application is therefore considered contrary to the National Planning Policy Framework 2021. Eynsham Parish Council will consider registering the property as an Asset of Community Value at its forthcoming meeting.

Mrs Katherine Doughty for Eynsham Parish Council
21_02896_FUL_TheNewlandsInn.pdf

OCC Highways

No objection

WODC Business Development

No comments received at the time of writing (consultation period expires 4.11.21)

ERS Pollution Consultation

No objection

WODC Env Health - Lowlands No comments received at the time of writing

Conservation Officer No comments received at the time of writing (consultation period expires 4.11.21)

2 REPRESENTATIONS

2.1 At the time of writing over thirty letters of objection have been received.

The comments include;

The pub when ran by the last landlady was a viable business.

Number of large building developments will serve to increase demand for entertainment facilities within Eynsham.

'Running of The Newlands Inn', having been a regular at this establishment for fifteen (15) years the statement that it had been 'running at a severe loss' is highly contestable. In my experience the hostelry had a goodly amount of custom that could afford a handsome income. Indeed the previous incumbents built the business up to be an extremely popular location which I believe had the biggest footfall in Eynsham. Thus proving that with the right people, and with the right attitude, The Newlands Inn Public House is, and has been, a viable and profitable ongoing business concern. Furthermore, the renting of the land opposite The Newlands Inn has for many years been made available, due to the commendable community spirit of the owner, for just one pound (£1.00) per year... Thus enhancing the notion of a village community.

It is my opinion that the loss of yet another Public House in Eynsham will be detrimental to the wellbeing of the Eynsham community, not just now but moving forward into future years. During my time in the village (nearly 50 years) it has been run by several tenants who, like the most recent ones, have put their own stamp on it and run it very successfully. It's always been at the heart of village life, something which culminates every year with the village carnival which attracts hundreds of people to the pub. It has a beautiful bar area which has space for 30 people seated, not 18 as stated (24 at tables, 6 at the bar), a restaurant space capable of serving 60 covers a night, plus bar meals (I used to be a chef there), a small but charming garden at the rear, which is perfectly suitable for dining or drinking and seats 20 comfortably.

It should remain open as a public house for all the community and visitors to enjoy, not be converted to a residential property to financially benefit one individual.

I understand that Planning Committees do take into account if an establishment was profitable. I understand that this was indeed the case and therefore needs to be a major consideration!

The pub has for many years been a popular drinking and meeting place for people from Eynsham and beyond. Who on earth would wish to change the use of the premises into a private dwelling when so many hostelries have been forced to close due to the COVID-19 pandemic? Once a public house is closed it will never again be reinstated. Public houses continue to be the lifeblood of many of the villages and towns throughout Britain.

Pubs are social contact points

Should be kept as a Pub, keep traditions going and create more job opportunities.

This building and facility should be an asset of community value
Misleading information within the application
Building work would affect neighbours

I was the landlady at this wonderful pub from 1996 to 2003 and loved every minute of it. It makes a fabulous pub would be such a sad thing to close it for good. Anyway the resident ghosts of which there are many will make it difficult for people to live in it as a house they never did us harm but they do not like change they will soon start playing up!

The Newlands is part of Eynsham history and should not be allowed to be turned into residential property purely for profit.

My understanding with the Newlands, is it was not a failing pub prior to closing during the 2020 Covid Pandemic.

It's well known that pubs command a lesser market value on the open market as buildings, than if they do with change of use planning consent.

Lose the history
Much loved public house

Development would also drastically and unsympathetically change the look of the street
It has always had a loyal core of regulars who have now been disconnected because of the closure, each having to use another pub which means people choosing different ones and losing the wonderful atmosphere you get when walking into a pub and literally knowing everyone.

One comment in support have been received at the time of writing.

3 APPLICANT'S CASE

3.1 A Planning Policy E5 Statement and a Design and Access Statement have been submitted as part of the application. The Planning Statement has been summarised as follows;

There is alternative provision elsewhere in the village - the White Hart, The Queens Head, and The Red Lion. The Swan Inn, The Jolly Sportsman, The Talbot Inn and The Evenlode. There is also a village social club, Eynsham Sports and Social club.

In recent times there have been various closures of public houses namely the Railway Inn, The Board Hotel and Star Inn which have been converted into residential development.

Alternative provision for restaurants, Ready Steady Spice, and The Bayleaf. Takeaways include The Wholesome Earth Cafe, Snax, Rainbow House, Lyall and Co and Smarts Supermakets include Co-op and the Spar.

The applicants ran the Newlands Inn for four years from January 2009 to August 2012. The restaurant closed in 2012 due to it running at severe loss and it has not served food since then and has been running as a wet pub. During that time the applicants worked in the bar themselves. The applicants then had to lease it out.

Competition from other eight public houses made it difficult to attract new customers for drinking or dining. The seating in the rear garden was not a suitable environment for drinking or dining. The seating on the rented land across the road was not ideal as it meant crossing the road for access and was not level.

The applicants decided to lease the Newlands Inn from August 2012 unfortunately the tenant went bankrupt in 2013. Further illustrating how difficult it is to make a success of the Newlands Inn as a Public House.

The applicants tried running it again from 2013 to 2015 but only made small levels of profit. The applicants leased the Inn from 2015.

The coronavirus starting in March 2020 until the present has had a severely additional detrimental effect on the viability of the business. The applicants were forced not to renew the lease and close the Inn. The tenants have since taken a lease at the White Hart.

The applicants have been marketing the property for the last two years. They offered the last tenants the opportunity to purchase the Inn but did not receive a satisfactory market price. Also offered to an owner of several public houses but not received a satisfactory offer - being advised that the Inn does not have a large enough garden to attract outside trade and no accommodation.

It is the opinion of the applicants that the Inn is not suitable for alternative uses for a community facility.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

E5NEW Local services and community facilities

EH10 Conservation Areas

EH11 Listed Buildings

T4NEW Parking provision

ENPI0 Eynsham Neighbourhood Plan

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application site is located within the village of Eynsham and the Conservation Area. The property itself is Listed and its current use is a public house.

5.2 The proposal seeks planning consent for a change of use from public house to residential dwelling.

5.3 The application is to be heard before the Lowlands Planning Sub-Committee by a request from Councillor Levy.

His planning reasons are;

- a) that change of use is not conducive to the maintenance of the neighbourhood
- b) that the applicant has not demonstrated that the premises cannot be a viable pub (as evidenced by the previous tenants taking on a run-down pub 100 metres away and restoring it).
- c) that a change of use would encourage other speculative acquisitions of pubs in villages with multiple licence premises with a view to making a capital gain by converting to housing.

d) Policy E5 of the adopted West Oxfordshire Local Plan applies.

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

5.5 Your officers consider that Policy E5, Local services and community facilities is the most relevant policy of the adopted West Oxfordshire Local Plan.

The policy states;

The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Development proposals that would result in the loss of community facilities and services will only be supported where it can be clearly shown that:

- *appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain, and;*
- *in the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise will be required to demonstrate that the use or premises is unviable in accordance with separate guidance published by the Council.*

In considering development proposals for the loss of local services and community facilities, the Council will have regard to whether a site or facility is registered as an Asset of Community Value.

5.6 In view of the above whilst the principle of the change of use can be considered acceptable by your officers, specific supporting information has not been submitted by the applicant at the time of writing.

5.7 Your officers consider that there is appropriate alternative provision by foot within the village.

However although the applicant has provided a statement that the existing commercial use has been marketed there is no supporting evidence to demonstrate this. In addition there is no other evidence to prove that the existing use is no longer viable and cannot be used for alternative community uses. Your officers provided information of the marketing guidelines at pre-application stage, which requires information such as;

How has the property and/or site been marketed? What actions have been taken to publicise and advertise the property? And what price it has been marketed at.

5.8 As such your officers cannot assess whether the existing use is viable. This is also reflected if your Rural Business Officer who states;

Hospitality business, especially pubs, are the fabric of communities and the loss of any pub should never be taken lightly. The onus is on the applicant to provide evidence that the existing use is no longer viable, is incapable of being made viable or incapable of being adapted to retain a viable service or facility including as a community run enterprise. The applicants have not done this and neither have they provided evidence of a robust marketing exercise. The application therefore does not comply with Local Plan policy E5.

Eynsham is a rapidly growing community and it is clear from the other comments received that there is a strong desire in the village to retain the Newlands Inn as a pub for the community. I hope this application will be rejected.

Siting, Design and Form

5.9 Given that there are no physical external or internal changes proposed, Listed Building consent is not required in this instance.

5.10 Your officers do not consider that the visual appearance of the Conservation Area will be adversely affected. 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.

Highways

5.11 OCC Highways have not objected to the proposal in terms of highway safety issues or parking provision.

Residential Amenities

5.12 Your officers consider that the proposal will not adversely affect residential amenities as no physical alterations will be made to the existing building.

Conclusion

5.13 Your officers consider that it has not been demonstrated satisfactorily that the existing public house is not viable, or that the commercial premises could be used for alternative uses. Although it has not been formally identified as a Community Asset, the Parish Council has put forward an interest as part of their formal consultation response.

In view of the above your officers consider that the proposal fails to meet the requirements of Policy E5 of the adopted West Oxfordshire Local Plan.

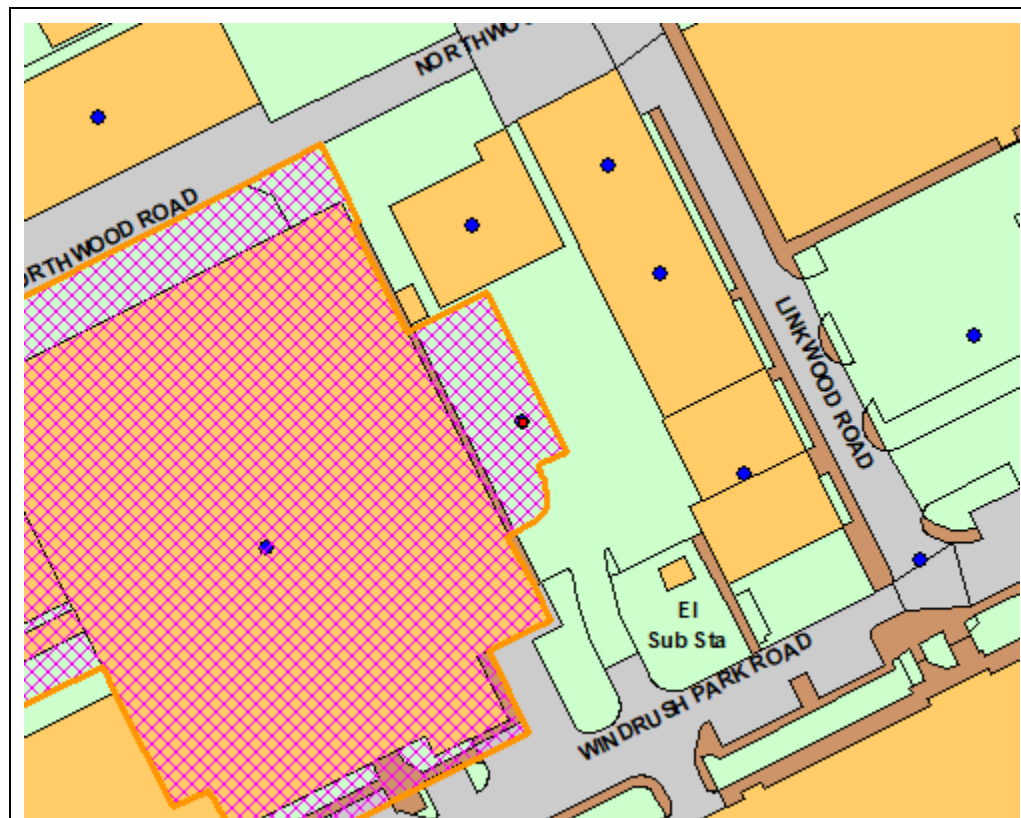
6 CONDITIONS/REASONS FOR REFUSAL

I It has not been sufficiently demonstrated to the Local Planning Authority that the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise has not been submitted. As such the proposal is contrary to Policy E5 of the adopted West Oxfordshire Local Plan, Policy ENP10 of the Eynsham Neighbourhood Plan and the relevant paragraphs of the NPPF.

Contact Officer: Miranda Clark
Telephone Number: 01993 861660
Date: 27th October 2021

Application Number	21/02929/FUL
Site Address	Land at Windrush Park Windrush Park Road Windrush Industrial Park Witney Oxfordshire
Date	27th October 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433220 E 210397 N
Committee Date	8th November 2021

Location Map



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Application Details:

Erection of 2 industrial units (Use Class E(g)iii, B2 and B8), to include external ancillary service areas, car and cycle parking.

Applicant Details:

Mr Nicholas Howe
C/O Canmoor
34 Dover Street
London
WIS 4NG

I CONSULTATIONS

Parish Council

Witney Town Council object to this application.

The plans do not go far enough to show where the cycle paths link to existing networks, or show how and where the paths cross the site. In line with Policy T1, All new development should be designed to maximise opportunities for walking, cycling and the use of public transport. The current scheme is unambitious, in that more can be done to provide opportunities for walking and cycling. Further, Policy T3 states that Development that fails to make adequate provision of measures to encourage the use of non-car modes of transport will not be favourably considered.

Witney Town Council echo the views of the Local Lead Flood Authority and request that SuDS features be incorporated whenever possible, such as porous paving in the car park. Similarly, members agree with the submission from Thames Valley Police and prior to this application being approved, request further details of the boundary treatments and lighting at the site.

Whilst Witney Town Council object to the current proposal, development of the site is supported and members welcome revised plans with consideration of the points raised above. This is also an opportunity for the applicant to incorporate sustainable features such as Solar PV and vehicle charging points, in line with Core Objectives CO15, CO17 and CO18 of the West Oxfordshire Local Plan 2031.

WODC Env Health - Lowlands

No Comment Received.

Major Planning Applications
Team

Local Lead Flood Authority
Objection

The total of drained area according to the calculations and drawing is 10081m² (1.08ha). However, the report states the overall impermeable area of proposed site to be 1.12ha. Please clarify. Calculations must include the following storm events, 1 in 1, 1 in 30, 1 in 100 and 1 in 100 + 40%CC.

We understand porous pavement may not suit all locations. However, according to your proposal, there are multiple areas of car parking spaces. The proposal could include this SuDS element in certain areas, providing on the surface water quality measure. The drawing provided needs to be detailed enough to cross reference it with the calculations provided. For example, the pipes shown in the

drawing must have labels and annotations so that it can be cross referenced with the network provided in the calculations. Exceedance flow routes must be indicated clearly on a drawing.

OCC Transport	No objections subject to condition
Biodiversity Officer	Condition recommended
Thames Water	No objection
WODC Planning Policy Manager	No Comment Received.
TV Police-Crime Prevention Design Advisor	No objection - comments regarding boundary treatments, external lighting. building security
WODC Business Development	No Comment Received.
WODC - Arts	No Comment Received.
ERS Env. Consultation Sites	<p>The following report has been submitted:</p> <p>Ramboll, Environmental Summary Report for Windrush Industrial Park, Witney. Dated 16/04/2021.</p> <p>The report provides a helpful summary of the investigation, remedial and validation works that have been completed on site. I have a number of questions for clarification but the detail for these maybe provided in the original reports. Please could the following reports (referenced in the summary report) be submitted:</p> <ol style="list-style-type: none">1) Phase I Environmental Assessment and Groundwater sampling report. March 2019.2) Additional Site Investigation at Windrush Industrial Park. May 2019.3) Detailed Quantative Risk Assessment May 2019.4) Remedial Options Appraisal and Strategy. September 2019.5) Remediation Validation Report October 2020. <p>In the meantime could the following initial comments be passed to the applicant:</p> <ul style="list-style-type: none">• Has there been any interaction with the Environment Agency over the course of the remediation?• The number of ground gas monitoring visits does not appear sufficient to characterise conditions beneath the site.• The report recommends that the boreholes and monitoring wells on site are decommissioned. This should not be completed until it has been established that the site has been sufficiently characterised.

Once we have received and reviewed the original reports we will be able to provide our full list of comments.

2 REPRESENTATIONS

2.1 No comments have been received.

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted and has been summarised as;

The proposal is for the development of 2No. new light industrial/warehouse units with ancillary office space, associated parking and service yards with E(g)iii (industrial processes), B2 (general industrial) and B8 (storage and distribution) classification of uses. Access to the site is currently provided from four different points. Two from Windrush Park Road along the southern site boundary which connects to Burford Road (B4047), one from Northwood Road and one from Range Road. Plot A is located in the north west corner of the Windrush Industrial Park and consists of two existing units. Other industrial units which form the rest of Windrush Industrial Park surround the site to the south and east. The site is bound by Windrush Park Road to the south, Northwood Road to the north and existing industrial units to the east and west.

The site is partially occupied by two existing industrial buildings, A1 and A2, which have B2/B8 use class. The facades visible from outside the site boundaries have been deliberately kept simple so that they provide a visual backdrop which respects the existing urban context surrounding the site. A number of ecological enhancements have been proposed for the Site including the inclusion of both bat roosting boxes and bird nesting boxes, and the planting of a native, species-rich hedgerow along the western Site boundary.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E1NEW Land for employment

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application site is located within a mature industrial park in Witney. The proposal is seeking planning consent for the erection of two industrial units.

5.2 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Town Council has objected 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:

Principle

5.4 Your officers consider that in line with both Policies OS2 and EI of the adopted West Oxfordshire Local Plan that the principle of such development is acceptable. Policy OS2 discusses the location to which new industrial units should be built along with general development principles. This Policy states that a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton.

All development should:

- *Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*
- *Form a logical complement to the existing scale and pattern of development and/or the character of the area;*
- *Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*
- *Not be at risk of flooding or likely to increase the risk of flooding elsewhere*

5.5 Policy EI discusses land for employment and 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.

5.6 In view of the above your officers consider that the principle of two industrial units is acceptable in this location.

Siting, Design and Form

5.7 Plot A is located in the north west corner of the Windrush Industrial Park and consists of two existing units.

5.8 The proposal is for two adjoined units measuring approximately 96m wide, 52m deep and 11m tall. The proposed design of the buildings are modern, with grey cladding for the walls and the roof will also be of steel cladding. Your officers consider that the design and the use of materials will improve the overall appearance of the industrial park.

Highways and drainage

5.9 OCC as Highways Authority has not objected to the proposal, subject to a condition being imposed. However at the time of writing your officers are awaiting further information, given that OCC as the local flood authority has objected to the proposal. It is anticipated that a verbal update will be given at the meeting.

Residential Amenities

5.10 Given the location of the proposed units, your officers do not consider that the proposal will adversely affect the residential amenities of existing dwellings. Your Environmental Health officer has not raised objections.

Ecology

5.11 With regards to the comments received from the biodiversity officer, your officers have included their conditions within the recommendation.

Conclusion

5.12 Your officers consider that the principle of development is acceptable in this location. The proposed units will allow further employment within this main service centre. It is stated within the supporting text of Policy EI that the Council will seek the retention of all employment sites where there is an on-going prospect of a suitable business use and will support the expansion and redevelopment of sites of an appropriate scale to enable businesses to expand, adapt and make the most efficient use of this resource. Your officers are of the opinion that the scale of the proposed redevelopment reflects the character of the area and is within a sustainable location. The proposed units will improve the overall appearance of the site.

5.13 However a full verbal update will be given with regards to the drainage issue at the meeting.

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 development shall be completed in accordance with the recommendations in Section 3 of the Ecological Impact Assessment, dated 12th August 2021 prepared by Clarkson & Woods Ecological Consultancy, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats and birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (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.

5 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, as well as hedgehog holes/gaps within any new fences/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 174, 179 and 180 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.

6 Before the erection of any external walls, 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, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include, but not be limited to, the following biodiversity enhancements:

- The creation of native species-rich hedgerows;
- Native tree planting;
- Wildflower grassland areas;
- Ornamental shrubs; and
- a 5-year maintenance plan

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8 If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9 A 10-year Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5 or 10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with paragraphs 174, 179 and 180 of the NPPF, 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.

10 Notwithstanding the submitted details the development shall provide for a route suitable for use by pedestrians and cycles between Unit 13 (as shown on drawing PL-2110) and Windrush Park Road. The development shall retain this route hereafter.

REASON: To maximise the opportunities for walking, cycling and the use of public transport in accordance with Policy T1 of the West Oxfordshire Local Plan 2031.

11 Details and location of the parking spaces equipped with active Electric Vehicle Charging Points must be submitted to and approved in writing by the Council prior to first occupation of the accommodation hereby permitted.

The development shall be completed in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing with the Council.

REASON: In the interest of sustainability and climate change.

NB Policy EV18 of the Oxfordshire Electric Vehicle Infrastructure Strategy requires a minimum of 25% of parking spaces at non residential development to be provided with electric charging points.

INFORMATIVES :-

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

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

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

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

Notes to applicant

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Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 27th October 2021

