

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th December 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.

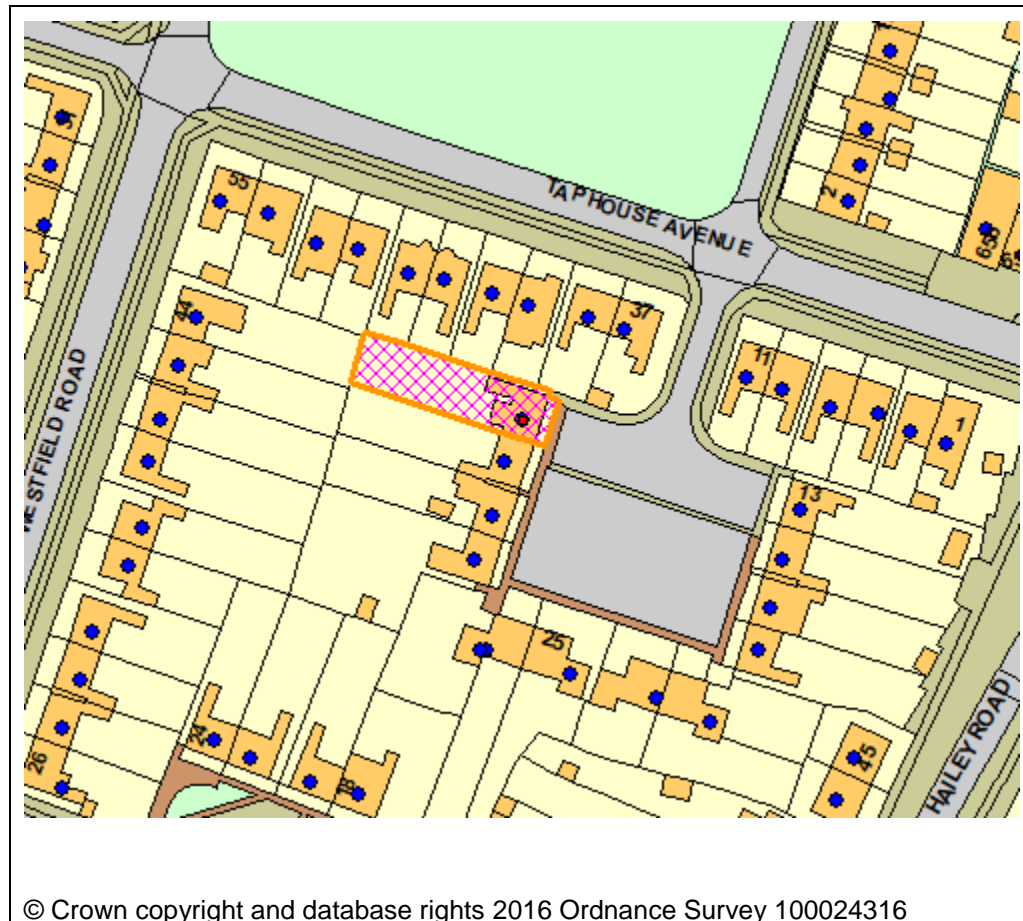
Please note that:

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
11	21/01565/FUL	35 Taphouse Avenue, Witney	Miranda Clark
16	21/02364/FUL	Land (E) 432925 (N)209696 Downs Road, Curbridge, Witney	Abby Fettes
28	21/02577/FUL	35 Shillbrook Avenue, Carterton	Kelly Murray
32	21/02593/FUL	Windyridge Crawley Road, Witney	Sarah Hegerty
37	21/02628/FUL	1 St Marys Court, Witney	Abby Fettes
50	21/02805/FUL	48 Sherbourne Road, Witney	Miranda Clark
55	21/02906/S73	Fish Hill Farm Wilcote Road North Leigh, Witney	Miranda Clark
61	21/03027/FUL	Old Farmhouse Burford Road Black Bourton, Bampton	Esther Hill
71	21/03302/FUL	Land Adjacent to Clovelly Cottage White Oak Green, Hailey	Kelly Murray

Application Number	21/01565/FUL
Site Address	35 Taphouse Avenue Witney Oxfordshire OX28 1JL
Date	24th November 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435599 E 210855 N
Committee Date	6th December 2021

Location Map



Application Details:

Sub division of dwelling to form a large house of multiple occupation and a self-contained studio flat and associated works (Retrospective)

Applicant Details:

Mr Chris Dominikowski
13 Finmore Road
Oxford
OX2 9AE

I CONSULTATIONS

Parish / Town Council Witney Town Council object to this application. The scheme represents over-development of a site and is not in accordance with the General Principles of Policy OS2, the scheme does not form a logical complement to the existing pattern of development and the character of the area, the potential increased occupancy is not compatible with adjoining uses and members expressed concern for the harmful impact on the amenity of existing occupants. Further, the proposed use is not compliant with Policy OS4 with regard to harm to the use or enjoyment of land and buildings nearby including living conditions in residential properties.

Witney Town Council shares the concerns of the Highways Authority, the development does not have adequate parking and the proposal does not address any provision for safe cycle storage. The lack of parking impacts all residents in the cul-de-sac making the proposal anti-social.

OCC Highways Given the location the details are acceptable.
Please condition the cycle parking as plan.

2 REPRESENTATIONS

2.1 No comments received

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted with the application. It has been summarised as; The house, 35 Taphouse Avenue is semi-detached with 1-metre path between the house and the boundary on the right leading to the rear garden. It is part of terraced houses estate, uniform in materials and design with their front facing a green space and ample parking.

The applicant bought the house in 2016 and rented it out first to a family. He had later employed Norton Architects to convert the loft, under PD rights, to add two more bedrooms and a bathroom (the smallest bedroom at first floor was lost by the necessary stairs to the loft rooms). The Completion Certificate, dated 30/04/2018, was issued by the Building Control. The applicant, Mr. Dominikowski, did not realize he needed to apply for planning permission for the Change of Use from a single-family dwelling to HMO and applied in 2019 only to the Licensing and Management of HMO.

On the ground floor the former living room and conservatory were converted into a self-contained studio flat, part of HMO but independent of shared facilities such as bathroom, kitchen or laundry. On the other side of the entrance lobby there is a kitchen/diner and, accessed from the yard, utility room and WC. These serve the four bedsits at first and attic floors. First floor contains one double and a single bedsit and a shared bathroom while the converted loft has two single bedsits and a bathroom. The large rear dormer, added at the time of attic conversion and with wall in pebbledash, to match the house walls, ensure sufficient headroom and windows for the bathroom and stair landing.

At present there are six tenants in total, though the HMO Licence is for seven people.

This application seeks permission for Change of Use from a single-family dwelling to four bedsits (one double and three single) and a self-contained studio flat.

The outbuilding - originally a storage built as PD

The side passage leads between the side of the house and the boundary with No. 33 to the rear garden with an outbuilding of 42 sq. metres close to the rear boundary. It was built in 2018 under Permitted Development rights as a storage for the house.

The application for Change of Use from a storage to a dwelling is seeking to add a one person or a couple to the existing HMO in the main house. I would become a one bedroom 42 sq. metres annexe to the HMO in the house for which the planning permission is sought at the same time, retrospectively. Currently, the five lodgers in the four bedsits use shared facilities: two bathrooms and a kitchen/ dining. With the shared facilities there is no possibility of self-isolating, if needed. The conversion of the outbuilding to residential accommodation was done at the beginning of the current year (Jan-Feb) but it has not been occupied. With the amenity of the garden, shared with other HMO renters living in the main house it would be a valuable addition to rented accommodation.

The garden annexe, ancillary to the main house HMO, is designed for a max. 2 persons (either on person or a couple).

The application seeks to increase the total number of occupants at 35 Taphouse Avenue to maximum 9 people.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

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 residential area of Witney. The application seeks retrospective consent for change of use from residential to an HMO.

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

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 The proposal is for the change of use of a residential dwelling to a house of multiple occupation. As the number of residents will be more than six, planning permission is required for the development. The works are retrospective.

5.5 Your officers consider that in terms of Policy OS2 of the adopted West Oxfordshire Local Plan that the principle of the development is acceptable given the location of the development. Policy H6 of the adopted West Oxfordshire Local Plan discusses Existing Housing and states;

Alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.

Policy OS4 also continues by stating that new development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

5.6 As the development is within a main service centre location, such development is acceptable subject to the proposals not adversely affecting neighbouring properties' residential amenities.

5.7 Your officers consider that the change of use to the existing dwelling to HMO which provides four bed sits is acceptable. The works to the existing dwelling house that have taken place are permitted development.

5.8 The garden studio, now given its use, requires planning permission.

Siting, Design and Form

5.9 The siting of the garden studio is located to the rear of the garden. The building provides accommodation for two people. The form of the building is single storey in scale. A pedestrian path leads to around the side of the main existing dwelling to provide separate access.

5.10 In terms of amenity to serve all of the occupiers, there are areas of paved courtyard which your officers consider on balance acceptable.

Highways

5.11 After initial concerns regarding parking further information was sought from the applicant's agent, which has satisfied OCC Highways and they are no longer objected to the development.

Residential Amenities

5.12 Given the single storey scale of the studio building, your officers do not consider that an adverse impact will result in terms of loss of privacy or overbearing issues.

Conclusion

5.13 Whilst the works are retrospective, your officers consider that the proposal will not adversely affect existing neighbouring properties residential amenities to such a degree to warrant refusal of the application. Your officers shared the same concerns as the Town Council regarding parking issues. However given the further information, OCC Highways are not objecting to the proposal.

5.14 In view of the above your officers consider that the retrospective works are compliant with Policies OS2, H6, OS4 and T4 of the adopted West Oxfordshire Local Plan.

6 CONDITIONS/REASONS FOR REFUSAL

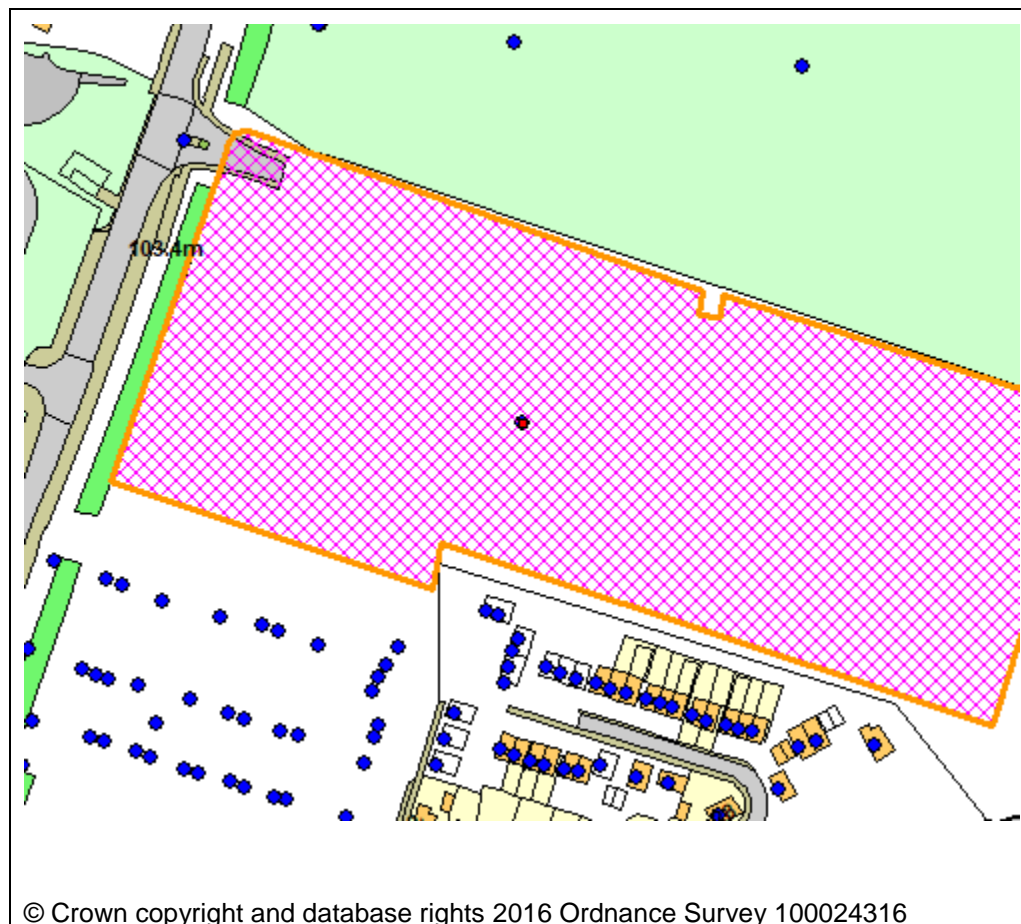
I That the development be carried out in accordance with the approved plans listed below.

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

Contact Officer: Miranda Clark
Telephone Number: 01993 861660
Date: 24th November 2021

Application Number	21/02364/FUL
Site Address	Land (E) 432925 (N)209696 Downs Road Curbridge Witney Oxfordshire
Date	24th November 2021
Officer	Abby Fettes
Officer Recommendations	Provisional Approval
Parish	Witney Parish Council
Grid Reference	432926 E 209697 N
Committee Date	6th December 2021

Location Map



Application Details:

Erection of 4 employment units (Class E (g iii), B2 and B8) with drainage, car parking and landscaping. (Amended plans)

Applicant Details:

Carbide Properties and NFU Mutual Insurance Society Ltd
C/o Agent

I CONSULTATIONS

Major Planning Applications
Team

Comments on original plans:

Highways

The LHA has no objection of the above application from the transport perspective provided the Applicant addresses the above conditions and issues satisfactorily, should the Local Planning Authority be minded, to approve the above application.

LLFA

The discharge rate of 38l l/s is unacceptable for this development. According to our calculations, QBar for the development proposed at 8043 ac (3.255 ha) is given as 8.59 l/s. We expect the discharge rate to be as close to this as possible.

Where the reports state "Flow rate allowed for Phase 2 development = 54 l/s", there is no evidence submitted which shows the flow rate for Phase 2 has been limited to 54 l/s.

In addition, we cannot accept flooding in any storm events except for 1 in 100 yr + 40% CC. Now, the drainage system is flooding in the 30-year storm. This must be rectified.

Furthermore, calculations provided do not show the attenuation value required for storm even provided.

ERS Air Quality

No Comment Received.

ERS Env. Consultation Sites

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

The proposed development site appears to have been used as an agricultural field over time. Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of

the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Lowlands

I have No Objection in principle.

Ecologist

Original plans

Compensation and enhancements

The proposed scheme includes landscaping measures such as hedgerow planting and the creation of a flowering grass verge alongside the hedgerow. These measures are welcomed. However, I understand that a large area of dense scrub is present on site and therefore the removal of this habitat should be compensated for through the provision of additional biodiversity enhancements. For example, the scheme could potentially incorporate green roofs and/or additional wildlife meadow areas/verges (e.g. along the western, southern and eastern boundaries). Other biodiversity enhancements, such as the provision of bird boxes (including at least 3 no. swift bricks) and bat boxes integrated into or mounted onto the external walls as well as hedgehog highways within any new fences/walls, should be explored and incorporated into the scheme.

Skylarks

Skylarks were recorded on site during the Phase I Habitat Survey and it is possible that the species may breed on site. Currently, the ecology report does not mention whether any compensation for skylarks is proposed. It is also unclear whether a skylark compensation scheme was approved as part of application no. 12/0084/P/OP (the relevant outline planning application). Please may this be clarified.

Conservation Officer

No Comment Received.

Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, 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:-

1. Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or

3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, 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: - 1. Capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason – Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203577 9998) prior to the planning application approval.

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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed 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. Should the Local Planning authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Adjacent Parish Council

No Comment Received.

Parish / Town Council

Original plans

Witney Town Council object to this application.

In terms of scale, use and visual impact, this new proposal bears no resemblance to the scheme as was approved in the outline planning permission. The harmful impact of the new scheme is completely unacceptable for our residents, in particular residents of the new development. The drawings show a complete absence of a buffer between the employment zone and the nearest residential properties. Policy OS2 states that all development should "Be compatible with adjoining uses and not have a harmful impact of the amenity of existing occupants". This proposal puts residential properties in close proximity to industrial scale buildings with use allowed for Industrial Processes (Use Class E(g)(iii)), General Industrial (Use Class B2) and Storage or distribution (Use Class B8). This is not compatible with adjoining residential use and therefore not compliant with Policy OS2. There are no office style buildings within this scheme.

It is accepted that this area of the site was intended as an employment area for B1 use, but not for the proposed use classes or in this built form. The approved Land Use Parameter Plan, Revision P shows a 'Buffer area' whereby the employment land nearest to residential properties was marked for B1 use only. (B1 use class now superseded by E(g)(i), E(g)(ii) and E(g)(iii), Uses which can be carried out in a residential area without detriment to its amenity). The approved Land Use Parameter Plan does not allow for B2 and B8 uses within the specifically marked out buffer zone. Further, Policy EH8 states that "New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance".

Members object to this proposal on the grounds that it would cause unacceptable levels of harm to nearby occupants.

Members note there are reported factual inaccuracies in the Environmental Noise Report. There are concerns that the measurements recorded as distance to nearest residential properties are inaccurate, the housing is a lot closer to the employment site boundary than is being claimed. The noise monitoring was carried out over a weekend where weather conditions meant that the findings are not representative. Further the report recommends that barrier screening be considered, this recommendation does not appear to have been adopted. Proposed noise mitigation measures are not detailed in the application, Members ask that Planning Officers liaise with relevant Environmental Services Officers to ensure that the ENR is scrutinised and harmful noise impact for residents is given due consideration.

Witney Town Council question the principle of development when Paragraph 6.17 of the West Oxfordshire Local Plan identifies the need for land for employment, but quite clearly states "the bulk of demand is for smaller units of less than 3,000 square feet" and that the priority

will be towards the provision of smaller units. The smallest unit on this proposed development is seven times that 'smaller unit size' and the biggest unit over 20 times bigger.

This application has highlighted that Condition 13 of the Outline Planning Permission 12/0084/P/OP has not been met. The condition requires that "Prior to the development of the dwellings located adjacent to or in the proximity of the proposed employment area, a scheme for protecting proposed dwellings (as per Parameter Plan Land use Fig 4.1 of the application) from any noise, odour or lighting nuisance at the boundary of any residential property shall be submitted to and approved in writing by the Local Planning Authority." This condition does not appear to have been met and this new application does not meet what is required from the Outline Permission.

Committee Members note an unusually large number of objection comments submitted by members of the public, Witney Town Council hear these objections and acknowledge the impacts of this industrial scale scheme for the residents living near the proposed development. Members ask that Officers fully consider the visual, noise and light implications of this proposal and urge West Oxfordshire District Council to refuse this application.

Major Planning Applications Team

No Comment Received.

WODC Business Development

No Comment Received.

Major Planning Applications Team

No Comment Received.

Parish / Town Council

Witney TC requested an extension for comments until 15th December.

2 REPRESENTATIONS

2.1 Over 120 letters of objection have been received and they are summarised as follows:

- does not adhere to the outline permission
- meant to be a BI buffer for small offices and landscaping
- monstrous units bigger units than initially planned
- supposed to be office blocks and not massive factory units
- will be an eyesore
- far too large to be next to housing
- overbearing on community
- existing units already cause light and noise pollution
- disturbance from construction period
- overshadowing neighbouring properties
- overlooking neighbouring properties

- ruins outlook from residential properties
- increase light pollution
- affect the price of our house adversely
- were not aware this was industrial when we bought house
- affect local ecology
- detrimental environmental impact
- increase danger of flooding
- traffic already bad
- What carbon emissions will we be expecting?
- question the demand for these size of units, phase I not let
- other vacant properties of this size in Witney already
- need working hours, noise regulations, industries which are appropriate for residential areas
- break up the facade with a living wall

2.2 22 comments have been made to date on amended plans (consultation period ends 10th December)

- cars using area for joy riding and anti social behaviour
- no separation of business park and estate so traffic coming through estate
- plans changing and getting worse
- Lorries breaking up Downs Road
- Would rather this was allotments or open space for families
- thought it would be low rise offices not industrial
- no attempt to provide an appropriate transition between the residential development and the proposed employment site
- proposals make no attempt to acknowledge the residential character of the area immediately to the south and east
- The proposed materials are purely functional and pay no heed to prevailing local materials or design guide
- poor-quality scheme designed without reference to its local context
- not in accordance with NPPF or Local Plan

2.3 Cllr Jane Doughty made the following comments:

It is extremely important that we encourage businesses to invest in West Oxfordshire and Witney. However, I am concerned that the planning application submitted does not adhere to outline planning proposals. Original plans suggested that there would be several office buildings - these would have acted as a nice buffer between industry on the site and residential properties.

However, these new plans are totally unacceptable and completely overbearing. Residents have purchased their homes knowing that this employment zone will exist, but these proposals really are not in keeping with the original plans. There is highly likely to be an increase in noise and light pollution, as well as the potential for very nasty odours too. Therefore, I must object to this application due to the negative effects this will have on my residents.

3 APPLICANT'S CASE

3.1 The applicants case can be read in full online but is summarised as follows:

This full planning application seeks consent for the development of four employment units providing a floor space of 14,306m² with 1,392m² of ancillary office area. All units are proposed for Class E(g)(iii) and B8 uses.

The application site is identified for employment development by Policy EI: Land for Employment which states that employment sites are those which include predominately office-based, industrial or storage and distribution activities, or related sui-generis uses.

Policy WIT6: Witney sub-area strategy states that the focus of new housing, supporting facilities and additional employment opportunities will be Witney. WIT6 goes on to state that proposals for development in the sub-area should be consistent with the strategy which includes the provision of further employment land (at least 10ha) on the western edge of Witney to provide sufficient space for business expansion, relocation and inward investment.

The application site also has the benefit of an outline planning permission (12/0084/P/OP) as an employment site to deliver B1 development.

This application is seeking permission for 5 employment units for uses E(g)(iii) and B8 - storage and distribution. Given its location within an area identified for employment development of B1, B2 and B8 uses within the Local Plan the principle of development is acceptable in principle subject to other material considerations.

The design and scale of the proposals are considered to be appropriate, reflecting the character and appearance of phase 1 and 2a of the employment area. The proposal is accompanied by robust technical reports which demonstrate that there are no adverse impacts arising from the development and any impacts are appropriately mitigated.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development is in accordance with the policies contained within the West Oxfordshire Local Plan and amounts to sustainable development in accordance with the National Planning Policy Framework (2019) and should be approved without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

E1NEW Land for employment

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application relates to the site scheduled for employment development as part of the West Witney development and that has already been built out in part. It seeks full planning consent (not Reserved Matters Consent) for four employment units with associated drainage, parking and landscaping. Whilst the site is part of the West Witney Development area and was allocated for employment use under outline permission 12/0084/P/OP the fact that this is a full application and not a reserved matters unlike the previous phases means it needs to be assessed on its own individual merits and is not bound by the conditions or limitations of the outline consent - albeit they will be of relevance in terms of what was previously considered acceptable. During the course of the processing of the application amended plans have been negotiated, received and reconsulted on, and the extended consultation period expires on 10th December.

5.2 The application is before committee at the request of local members.

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 of development
- layout, scale and massing
- residential amenity
- highways
- drainage
- ecology

Principle

5.4 The principle of development is considered to be acceptable as this site was approved an employment area under permission 12/0084/P/OP. That permission set the parameters for the land use and building heights in this area. As approved this was to be B1 use in this part of the site but the applicants have applied for uses that go beyond B1 use. It is also relevant to note that the parameter plans allowed under the outline consent allowed buildings up to 15m high whereas with this proposal the largest unit (12) is 12m high. It is clear that the impacts of what is now proposed are different, with some elements conforming to the outline better than before and others not conforming and potentially worse. That is why this scheme has been tabled as a full application and is why the details of what is now before us need to be looked at in the round as opposed to merely looking at what was originally conditioned/agreed.

5.5 In that regard your officers assessment is that the principle of some form of employment development is clearly established by the allocation and the outline but the details need to be assessed carefully to determine whether this alternative to what was originally envisaged is acceptable on its own merits. The key factors that are relevant in making that assessment are set out under the following headings of this report.

Siting, Design and Form

5.6 Officers initially had concerns regarding the proposed site layout and its impact on the residential area that is already occupied adjacent to the site. The general form of the buildings was considered neat and attractive and to fit in very well with the existing commercial units that have already been built and occupied in Phase 1. However the transition to the smaller scale residential properties was considered

problematic and considerable negotiation has been undertaken to seek to get to a position where the impacts are acceptable.

5.7 Usually when an industrial scheme is located alongside residential units it is preferable to back them on to the units such that the activity in the service yards is screened away from the residences and the buildings act as a noise buffer. Even though the units proposed were smaller than the height parameters agreed in the outline, they were considered to be unneighbourly in such proximity. Following much negotiation officers have secured amendments whereby the units are located gable end on to the neighbours to reduce their massing impact. They have been moved further away (18m to the boundary with the rear gardens and 28m to rear elevation of closest properties to units 10&11) so that they now considerably exceed the distance that a house face to face relationship would be considered acceptable and space for additional planting is provided. These amendments, coupled with the fact that the units are considerably lower than those allowed under the outline consent and of a more 2 1/2 storey scale than 3 or 4 storey scale means that officers are satisfied that the relationship is such that a refusal based upon the physical proximity to the neighbours is not sustainable. The reorientation does however open up the potential for increased disturbance from the activity and this is addressed in the next section of the report.

Residential Amenities

5.8 The site is bounded by residential properties to the south. In creating the building/gap/building/gap/building relationship that has secured the acceptable buildings to neighbours relationship, the gaps potentially enable a greater transfer of noise to neighbours. This is compounded in that the proposals seek to widen out the nature of activity that can take place away from B1 "neighbourly" uses to more general commercial activity. In assessing the impact it will be noted that the advice of Environmental Health is that they have no objections on noise grounds.

5.9 Notwithstanding this position Officers have secured amendments that ensure that it is the parking rather than servicing areas that are closest to neighbours and that acoustic barriers will be provided within the site to seek to limit any residual impacts of servicing activity even further. Given the generally industrial nature of the remainder of the wider employment area, the lack of objection from EHO, the distance, the intervening car parking and the provision of acoustic barriers your officers have been satisfied that the impacts upon neighbours (who would have purchased in full knowledge of the fact that there were existing and proposed employment sites in the vicinity) is not such that it justifies refusal.

Highways

5.10 Members will note that there is No objection to the original plans and whilst comments are awaited on the amended plans it is not envisaged that these will be insurmountable. A verbal update will be given at the meeting.

Other matters

5.11 Members will note that there are comments outstanding as regards the ecology (lighting), drainage details (both foul and surface water and discharge rates) and contamination/remediation. However it is considered that all of these matters can be addressed by the imposition of a suitable condition to address the outstanding matter. In that the site was originally bound by the S 106 agreement that tied the wider area there will need to be a separate side agreement to address contributions as this is a full as opposed to reserved matters consent. Contributions have been requested by the County Council for Highway works.

Conclusion

5.12 This is a contentious application. It is different to what was originally envisaged in some respects, but that of itself does not make it unacceptable. It needs to be assessed on its own merits and having done that, and secured amendments to address differences that arose from the particular characteristics of this scheme, your Officers have concluded that it is acceptable on its merits for the reasons identified above.

5.13 It will however be noted that at the point of assessment on the committee date there will still be a small portion of the re consultation period outstanding. Officers request that the decision is delegated to officers to approve subject to no further technical objections being raised in that outstanding period and to conditions and the prior completion of a section 106 agreement to secure the requisite contributions towards infrastructure.

6 CONDITIONS/REASONS FOR REFUSAL

- 1 Conditions to include (but not restricted to):
- Time limit
 - Approved plans
 - Highway safety
 - Ecology (including Lighting)
 - Drainage (TW and LLFA)
 - materials
 - details of acoustic fences
 - use as approved
 - provision of landscape buffers
 - etc

Contact Officer: Abby Fettes

Telephone Number: 01993 861684

Date: 24th November 2021

Application Number	21/02577/FUL
Site Address	35 Shillbrook Avenue Carterton Oxfordshire OX18 1EQ
Date	24th November 2021
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427645 E 208226 N
Committee Date	6th December 2021

Location Map



Application Details:

Change of use of land to allow a mixed use of domestic garden and renovating of boat in the front garden. (Retrospective).

Applicant Details:

Mr Marcin Czarny
35 Shillbrook Avenue
Carterton
Oxfordshire
OX18 1EQ

1 CONSULTATIONS

Parish / Town Council

Town Council objects due to "negative impact on neighbours".

2 REPRESENTATIONS

2.1 There have been no representations made.

3 APPLICANT'S CASE

3.1 The applicant states that renovating the boat in the front garden "is taking a lot longer than expected".

4 PLANNING POLICIES

OS2NEW Locating development in the right places

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

5 PLANNING ASSESSMENT**Background Information**

5.1 This is a retrospective application for a material change of use of land within a residential planning unit to a mixed use as residential and for the purpose of hobby restoration of a sailing boat. The application arises from an internal complaint made in 2018.

5.2 35 Shillbrook Avenue is a bungalow located on the corner of Shillbrook Avenue and Stoneleigh Drive. Its amenity space is located forward of the front elevation and to the side of the property and is clearly visible from the public realm. A large sailing boat is positioned directly in front of the dwelling, close to the boundary fence adjacent to the public highway. The boat is supported on a scaffold of metal poles which raise it to the height of the roof of the bungalow. The boat itself is extremely prominent in the street scene. The scaffolding appears to be fairly easily dismantlable and the boat itself comprises one piece and so would presumably be relatively straightforward to move from the site by means of a trailer or other large vehicle. In Officers' view, for this reason the scaffold and boat would seem unlikely to satisfy the legal tests of size, permanence and attachment so as to qualify as building operations for the purposes of section 55 of the Town and Country Planning Act 1990.

5.3 The applicant states that the boat has been in place since 2019, however, given the complaint originated in 2018 it is likely it has been there for longer. The applicant has stated that restoration work on the boat is an ongoing project and has taken much longer than expected.

5.4 In this case, the application is being considered as a material change of use due to the unusual nature of the project being carried on within the curtilage of a dwelling house, in particular the size and

prominence of the boat and the length of time it has been kept at the property in full visibility of the surrounding area.

Principle

5.5 Had this been a single motor vehicle being restored as personal project in a domestic driveway, it is likely that planning permission would not be required. In this case, the main consideration is the impact on visual amenity from the size of the boat, which is prominently visible from the street scene in a densely populated residential area. The size of the boat and the way it is currently stored is such that this is analogous to a building operation because it is a structure that cannot be moved unless it (and the scaffolding on which it is supported) is either dismantled or placed on a trailer or lorry and transported away.

5.6 Storing a sailing boat in a residential driveway has a material planning impact in part because of its size which in this case is more prominent than that of, say, a single motor vehicle hobby project. However, Officers note that the boat was reported by a Council employee and no neighbours or passers-by have raised a complaint either in relation to visual impact or noise from the works of restoration. It is also noted that since 2020 the Covid-19 pandemic has affected people's lives considerably and normal routines, ability to travel and supplies of materials have been disrupted. Officers consider it would be inappropriate to allow a residential property to be used for restoration or storage of a boat indefinitely, however in this case, some flexibility might be allowed to enable the applicant to complete the project or move it to a more suitable location.

Conclusion

5.7 Taking all these factors into account Officers consider that a temporary, one year permission would be appropriate to enable the works to be completed and/or to give the applicant time to find a more suitable long term home for the boat. The application is accordingly recommended for approval on this basis.

6 CONDITIONS/REASONS FOR REFUSAL

1 The use hereby permitted shall be carried on only by the applicant and shall be limited to the storage and restoration of the boat shown on the photographs filed with this application for a limited period of 12 months from the date of this permission, or until the premises cease to be occupied by the applicant, whichever is the sooner.

REASON: The use is only justified in the light of the special circumstances of the case.

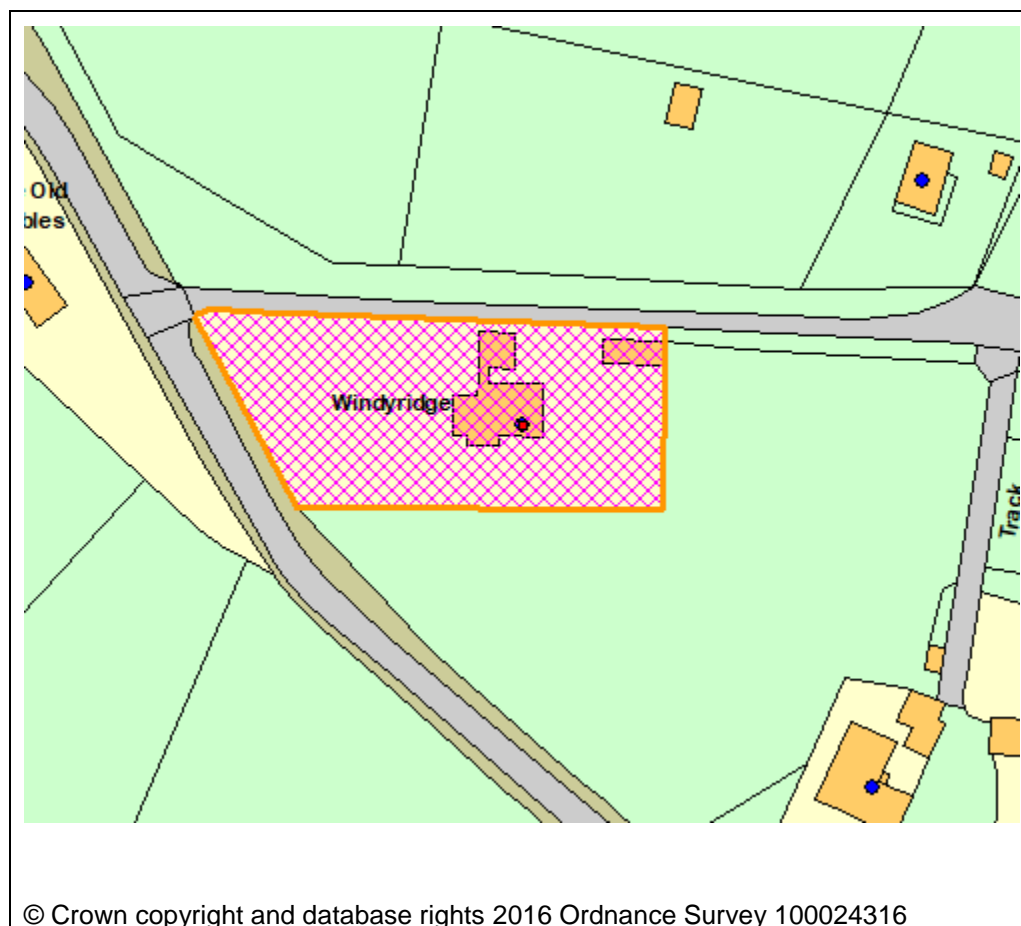
2 When the premises cease to be occupied by the applicant or at the end of the period of 12 months from the date of this permission whichever shall first occur, the use hereby permitted shall cease and the boat, the scaffolding on which it is stored and all materials and equipment brought on to the premises in connection with the repair and maintenance of the boat and otherwise in connection with this temporary permitted use shall be removed.

REASON: The use is only justified in the light of the special circumstances of the case.

Contact Officer: Kelly Murray
Telephone Number: 01993 861674
Date: 24th November 2021

Application Number	21/02593/FUL
Site Address	Windyridge Crawley Road Witney Oxfordshire OX29 9TG
Date	24th November 2021
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	434810 E 211293 N
Committee Date	6th December 2021

Location Map



Application Details:

Demolition of existing bungalow and construction of new detached dwelling.

Applicant Details:

Mr M Meagher
Windyridge
Crawley Road
Witney
Oxon
OX29 9TG

I CONSULTATIONS

Parish Council	Hailey PC has no objection to this planning application.
Ecologist	<p>I have now reviewed the Preliminary Roost Assessment Survey report (dated 20th October 2021 and prepared by Arbtech) as well as the Bat Emergence Survey report (dated 20th October 2021 and prepared by Arbtech). I have the following comments with recommendations for conditions and informatives.</p> <p>The main dwelling was considered to offer 'low' potential for roosting bats and a further activity survey was carried out. However, no bats were seen to emerge. Therefore, it is considered that there are currently no bats roosting within the building and there is no need to consider the 3 derogation tests as bats are unlikely to be impacted by the proposal. I recommend that the works are in accordance with the recommendations within Section 4 of the ecology reports. Bats were noted foraging around the buildings during the activity survey and therefore I recommend that biodiversity enhancements, including bat and bird boxes, are implemented to provide roosting and nesting opportunities for bats and birds using the wider area. The specific details, including designs and elevation plans, can be submitted to the LPA as a condition of planning consent. I also recommend that a sensitive lighting strategy is prepared to ensure that any new lighting does not illuminate surrounding vegetation.</p>
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
ERS Env. Consultation Sites	No objection
WODC Env Health – Lowlands	Mr ERS Pollution Consultation No objection
Newt Officer	No Comment Received.

2 REPRESENTATIONS

2.1 No representations received

3 APPLICANT'S CASE

No case submitted

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H6NEW Existing housing

EH2 Landscape character

OS4NEW High quality design

DESGUI West Oxfordshire Design Guide

NPPF 2021

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

5 Background Information

The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Council has raised no objection to the scheme which is contrary to the proposed recommendation of refusal.

The application seeks permission for demolition of existing bungalow and construction of new detached dwelling.

The site is located within the open countryside between Witney and Crawley. The site is positioned in an elevated position within the landscape and is therefore visible within the wider landscape setting.

The property currently on site is a one and half story dwelling constructed of render and red brick under a tile roof. The property has benefited from various extensions most recently 05/101 I/P/FP which was for Alterations and extensions to dwelling including construction of new vehicular access.

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:
Siting, Design and Form Landscape Impact

Siting, Design and Form

Policy H6 specifically refers to replacement dwellings, stating that proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis, provided the character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building.

As noted above the property has benefitted from various additions over the years and policy H6 is clear in that it states that the replacement dwelling should be of a reasonable scale relative to the *original* building. The proposed scheme shows a 2 storey dwelling with a hipped roof and 2 wing elements (one front and one rear). The building will have a ridge height of 9.5m, a width of 14.85m (excluding the chimney) and will be 16m deep. Whilst no survey drawings have been supplied for the existing dwelling, officers can gauge from the historical mapping and following the site visit that the proposed scheme is significantly larger than the existing property and even more so compared to the original dwelling on site. The historical mapping which first shows the dwelling indicates the main core of the building being approx. 6m wide and 13m deep with an extension off to the north.

Whilst the principle of a replacement dwelling would be acceptable, the proposed development fails to comply with Policy in that the proposed scheme increases the dwelling significantly in both footprint, scale and volume which is not considered to be of a reasonable scale relative to the original building. As such, the proposal conflicts with policy H6 of the West Oxfordshire Local Plan 2031 (WOLP).

Landscape Impact

Paragraph 8.2 of the WOLP states:

West Oxfordshire is a predominantly rural district which embraces large areas of relatively unspoilt countryside and a diverse pattern of landscapes, including rolling uplands, river valleys, historic parkland, remnants of ancient forests, low-lying farmland and riverside meadows.

Policy EH2 states 'New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds.'

OS2 states 'Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.'

Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

The surrounding built form is primarily clusters of farm buildings or traditional agricultural buildings which are commonly found throughout the district. Given its open countryside location and elevated position of the site, officers are concerned that a much larger dwelling in this location would have a negative impact on the wider landscape setting. Whilst the existing dwelling is not traditional in form, it is fairly low lying and thus relatively unobtrusive. The proposed development would be more visually prominent and would not be of a high quality design and would fail to conserve or enhance the intrinsic character and quality of the local landscape, contrary to policy EH2 of the WOLP.

Other Matters

Access and parking for the property remain unchanged.

In regards to neighbouring amenity, given the separation distances and uses of the surrounding buildings officers are satisfied that it is acceptable in this regard.

Following the submission of a Bat survey, the Biodiversity Officer raises no objection to the development.

Conclusion

The proposed 2 storey hipped roof dwelling will have a negative impact on the wider landscape and would not be reasonable in scale compared to the original dwelling. The proposed development would therefore be contrary to policies H6, OS2, OS4 and EH2 of the adopted Local Plan 2031.

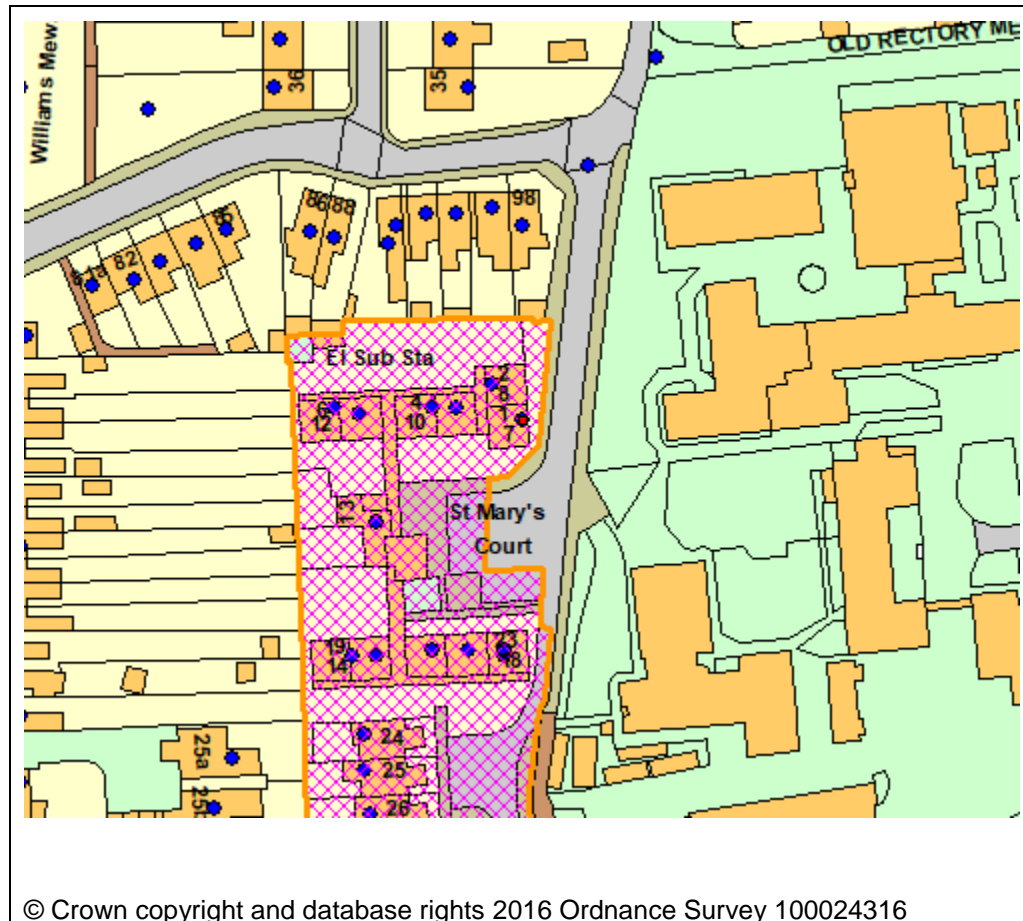
6 CONDITIONS/REASONS FOR REFUSAL

I The proposed scheme by reason of its siting, design, massing and scale would fail to preserve or enhance the wider landscape character and would not be reasonable in scale compared to the original dwelling on site. The proposal is therefore considered contrary to Policies H6, OS2, OS4 and EH2 of the West Oxfordshire Local Plan 2031 and advice in the NPPF.

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 24th November 2021

Application Number	21/02628/FUL
Site Address	1 St Marys Court Witney Oxfordshire OX28 4AP
Date	24th November 2021
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435371 E 209329 N
Committee Date	6th December 2021

Location Map



Application Details:

Demolition of existing two-storey housing facility and three bungalows. Erection of two-storey block of 30 flats.

Applicant Details:

Ms Marissa Yeoman
Cottsway House
Heynes Place
Avenue 2.0
OX28 4YG
United Kingdom

I CONSULTATIONS

Parish / Town Council

Witney Town Council does not object to this application and welcomes upgrades to the Cottsway housing stock for Witney residents.

Members noted the concerns from the LLFA and Thames Water and ask that these are taken seriously. Witney is susceptible to flooding and all possible mitigation should be considered to ensure that the surface water drainage and sewage network are not compromised by this proposal.

Pedestrian safety is a concern both during works and after completion, members ask that where possible the development includes a provision for safe crossing via dropped kerbs and tactile paving and that any opportunities to improve the footpath safety in this area be explored.

The site is surrounded by existing housing and Henry Box School. Members request that a comprehensive Construction Traffic Management Plan be required by condition, and that local residents, pedestrians and schoolchildren be protected as much as possible from noise, dust, emissions and vehicular movements during the construction.

Finally, members note that comments have been made by residents with regard to site notices. Any opportunity for planners and developers to engage, inform and consult with neighbours is encouraged.

Major Planning Applications
Team

Highways
No objection subject to a revised parking layout

LLFA

Where infiltration has been proposed, we must see at least 3 tests per soak away location in order to conclude an accurate infiltration rate. The tests carried out must be in accordance with BRE365.

The areas used in the calculations, add up to a total of 0.147ha.

However, the total impermeable area as mentioned in the report is 0.32ha. This must be clarified.

Some exceedance routes are shown to be flowing away from the development boundary. All exceedance flows must be contained

within the development boundary.

Conservation Officer

As previously noted, this is a structure with a large and spreading footprint - although it is fairly low lying, and the elevations are all fairly tidy.

WODC - Arts

We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site.

Natural England

No comments to make. Refer to standing advice.

Ecologist

Thank you for consulting me on the above planning application (application no. 21/02628/FUL). I have reviewed the Ecological Impact Assessment (prepared by Ecology by design and dated June 2021). I have the following comments where additional information is required before a positive determination of the application.

Biodiversity Net Gain (BNG)

In line with the NPPF Chapter 15 and Local Plan policy EH3, all major planning applications should demonstrate a measurable net gain in biodiversity. A guidance note and accompanying data standard requirements have been published on the council's website Planning application supporting information - West Oxfordshire District Council (westoxon.gov.uk). Currently, the information that has been submitted for the planning application is not in line with the above guidance and therefore the applicant should ensure that reference is made to this guidance note.

I have identified the following areas relating to BNG where information is outstanding or will need to be further clarified:

- The Ecological Impact Assessment states that biodiversity net gain calculations have been undertaken and that there will be a net gain of 37.86% in habitat units. This is satisfactory, however, the metric calculations spreadsheet will need to be submitted so that the calculations can be reviewed.
- A Baseline Habitats Plan and the Proposed Habitats Plan have not yet been submitted and these are required so that I can assess the calculations against the corresponding plans. The two plans will need to use the UK habitat classification rather than Phase I classification so that it relates directly to the biodiversity metric and ensures that all documents directly correspond.
- The areas (HA) of each habitat should also be labelled on the plans or included within the ecology report.
- A detailed justification of how the Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016) and associated Practical Guide (2019) should be considered and applied. The Biodiversity Net Gain Strategy,

detailing this information, should be included as a separate chapter within the ecology report or submitted as a stand along document.

In light of the above comments, I have further outlined the information that is required to be submitted for all major planning applications, in line with the council's guidance note:

- a) Habitat Baseline Plan. This can be produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. It should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). This can be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.
- b) Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan. As above, this information can also be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.
- c) A full copy of the spreadsheet, detailing the Biodiversity Metric: The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.

Nesting birds

The ecology report notes that house sparrows were observed nesting within Building 4. Therefore, as this nesting site will be lost within the proposed development, compensation will need to be provided. The compensatory nesting provision will need to be shown on site plans upfront before a positive determination of the application. The architectural plans will need to show the nesting features on the elevations of the new building and also detail the specific designs. I will provide final comments for the application once the above informative has been submitted and further reviewed.

Thames Water

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that

you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The

applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](https://thameswater.co.uk/building-water).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. 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.

WODC Housing Enabler

The proposed 100% affordable housing re-development will provide 23 x 1 bed apartments and 7 x 2 bed apartments for rental. The applicant proposes a minimum age for allocation of the apartments. The apartments will be built over two storeys and there will be lift and stair access to the first floor.

Currently there are 353 applicants registered on the Council's Homeseeker Plus system that have at least one family member aged 55 or over, have a 1 or 2 bedroom need and that indicate a preference to rent a home in Witney. Of these applicants, 96 have indicated a need for accommodation on ground floor or with lift access. The homes provided by this re-development will make an important contribution to local housing need.

WODC Planning Policy Manager

The general principle for this application is solid as it is replacing dwellings which are not fit for purpose with ones which are. The siting is still suitable and the majority of this application is in line with our current policies. The surrounding buildings are a fairly mismatched patchwork of styles and ages, as such the proposed design is acceptable but there is scope for a less conventional building. It is important to consider environmental policies which may not have been relevant when the original building was constructed. The submitted ECIA outlines the plans for biodiversity and ecological gain and maintenance, if the points within are followed the application will satisfy policies EH3 and EH4. A suggestion would be to include provision for green travel (Bicycle parking/electric vehicle charging). The policies within the local plan support this application.

WODC Landscape And Forestry Officer

No Comment Received.

ERS Env. Consultation Sites

While I have no major concerns relating to the proposed development there is an electricity substation on site. From the plans submitted with the application it appears that the substation will remain as it is and that the surrounding area will be used as a car park. Would it be possible to check with the applicant that this is the case?

Assuming the above is confirmed would it be possible to add the following condition to any grant of permission as a precaution.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Lowlands

I have No Objection in principle.

Major Planning Applications
Team

Revised comments awaited

2 REPRESENTATIONS

2.1 Thirteen letters of representation have been received and are summarised as follows:

- height of proposal
- visual amenity
- loss of light to adjacent properties
- loss of privacy to adjacent properties
- overlooking from first floor windows
- out of character with surrounds
- inappropriate materials
- impact of construction work on mental health/parking/traffic
- parking shortage and traffic congestion
- highway safety
- narrow roads inaccessible to refuse trucks/emergency services
- damaging effect on Conservation Area
- impact on biodiversity
- pollution from lighting
- drainage issues from proposed materials

3 APPLICANT'S CASE

3.1 The Design and Access Statement is concluded as follows:

This application is for a high quality, attractive new, secure and sustainable block of flats for the elderly to replace an existing over 50 year old block of outdated residential units for the elderly. It will provide more, but also larger units meeting current standards and requirements. All of the units will benefit from some private amenity space as well as landscaped communal amenity. It also provides more and more suitable car parking, cycle storage and buggy storage.

The scheme has developed through a lengthy and informative pre application consultation and a public consultation in partnership with the local authority officers and various specialist consultants. It is therefore respectful of the site context, the ecology of the site and area, existing trees and the local highway system.

The proposed building is designed to respect the appearance of the surrounding area, in terms of building form and materials, in a striking contemporary design reflecting it is a new development for today.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks full consent to demolish the existing sheltered housing scheme which is 26 units, and replace it with a two storey block of 30 flats. The scheme is proposed as affordable housing for over 55's.

5.2 The site sits within the Witney Conservation Area. The Grade II* listed Henry Box School is to the east and there are residential properties to the north, south and west.

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 The proposal seeks to replace the existing sheltered housing scheme with a new residential scheme.

5.5 The key policy considerations for the principle of this proposal are policies OS2 and H2.

5.6 Policy OS2 states that a significant proportion of new homes will be focused within Witney, subject to the following criteria:

- *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;*
- *Conserve and enhance the natural, historic and built environment;*

5.7 Policy H2 requires that new dwellings will be permitted in the main service centres in the following instances:

On previously developed land within or adjoining 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;

5.8 As the proposal is for two storey residential development to replace existing two storey residential development, albeit with an increase of 4 units, it is considered that those criteria can be met and that the principle of development in this location is therefore acceptable, subject to meeting all other policy requirements.

5.9 The flats are proposed to be 100% affordable housing (replacing the existing scheme which is also affordable) which is supported by Policy H3.

5.10 There are a mix of one and two bed flats which meets the requirements of Policy H4.

Siting, Design and Form

5.11 The existing buildings are laid out in a large 'H' form, two storey in height with three bungalows at the southern end of the site. It is red brick with render panels and is of no particular architectural merit.

5.12 The proposal is for a two storey building on a different floor plan, more of a 'C' shape, pushed further west on the site but retaining the parking area on the northern boundary, and not stretching as far south as the existing scheme.

5.13 The building is considered to be appropriate in this location in terms of its scale, design and form. Whilst the design is more modern, the roofscape is similar to buildings in Henry Box grounds, bungalows and the terrace properties on the Springs and the Crofts, the scale is 2 storey, and the materials (recon stone, render and artificial slates) are considered to be appropriate. Officers have requested some minor amendments to the design which will be presented at the meeting.

5.14 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.

5.15 It is considered that the proposed building, in terms of its scale and layout is in context with the surroundings, with the larger scale buildings of the school to the east and the domestic scale properties to the North, West and South. In that regard it is considered to preserve the character and appearance of the conservation area.

Highways

5.16 The proposal will utilise the existing access in the north eastern corner of the site. The proposal includes 25 parking spaces which is considered sufficient for the development proposed, (there are only 12 spaces for the existing 26 units), and some of these will be provided as EV spaces. The County as Highway Authority have raised no objection subject to a revised parking layout being submitted and a number of conditions being imposed.

Residential Amenities

5.17 There have been several concerns raised by local residents in regard to the impact on residential amenities from this proposal.

5.18 The properties in the Springs (to the west) are over 37m away from the boundary with this site (nearly 40m to the proposed windows and balconies) and at that distance it is not considered that the proposal will be unduly harmful to their private amenities from the windows and balconies proposed on the western boundary. The proposal is the same distance away from the properties to the north in The Crofts as the current dwellings, and the proposed building would also be sited significantly further from the properties to the south.

5.19 As stated above, Highways have not raised an objection with regard to the amount of parking proposed for the scheme so whilst officers are aware of parking issues within this part of town there will be an increase of spaces serving the development and there is no technical objections to the proposal.

5.20 The objections also raise concerns regarding the construction period. Any disturbance caused by development sites is regulated under the Control of Pollution Act and does not fall within the remit of Planning, however a condition relating to construction traffic will be attached to the recommendation.

Drainage

5.21 Thames Water and OCC as LLFA have been consulted on this application. Thames Water have not raised any objection subject to the LLFA being satisfied with the surface water drainage scheme. The LLFA have raised a technical objection to the scheme and are seeking some clarification from the application. Further information has been submitted and the County have been reconsulted. The officer recommendation is subject to those matters being resolved.

Ecology

5.22 The biodiversity officer raised a number of matters which the applicant has sought to address through the submission of further information. Officers are awaiting the revised comments and members will be updated at the meeting.

Conclusion

5.23 For the reasons set out above, officers are recommending approval of this scheme subject to amended plans being submitted to address the design concerns, the resolution of the drainage and ecology matters, the conditions set out below and any additional conditions.

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 window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

5 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.

6 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

7 Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.

REASON: In the interests of Highway safety.

INFORMATIVES :-

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

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.

0. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
- o Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - o Wall, ceiling, roof, and floor insulation, and ventilation
 - o High performing triple glazed windows and airtight frames
 - o Energy and water efficient appliances and fittings
 - o Water recycling measures
 - o Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

Notes to applicant

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

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.

- 2 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - Wall, ceiling, roof, and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling measures
 - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

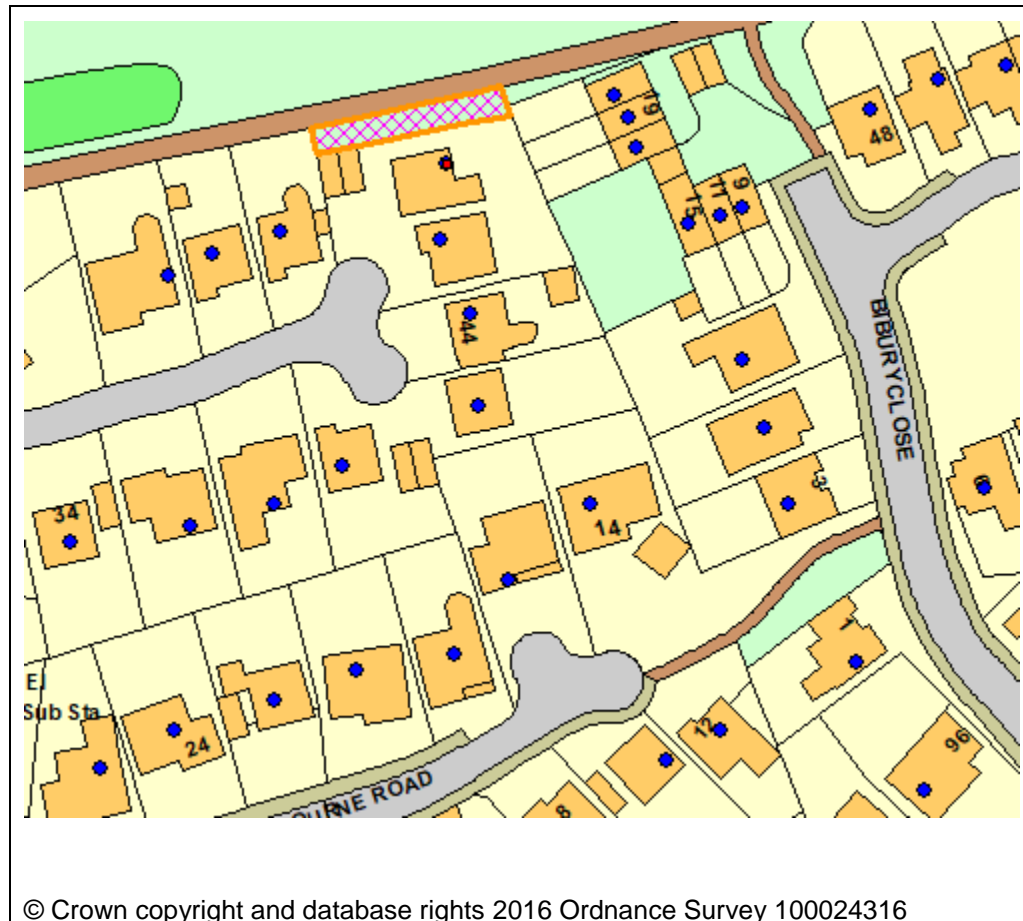
Contact Officer: Abby Fettes

Telephone Number: 01993 861684

Date: 24th November 2021

Application Number	21/02805/FUL
Site Address	48 Sherbourne Road Witney Oxfordshire OX28 5FH
Date	24th November 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433773 E 209732 N
Committee Date	6th December 2021

Location Map



Application Details:

Change of use of land to enlarge domestic garden and reposition 1.8m high close-boarded boundary fence.

Applicant Details:

Mr Mark Davies
48 Sherbourne Road
Witney
Oxon
OX28 5FH

I CONSULTATIONS

Parish / Town Council Witney Town Council object to this application. The character of this estate is identified by these parcels of amenity space and fencing them away from view is harmful to that character and takes this amenity from the rest of the community. This proposal is not compliant with Policy OS2 in that it would involve the loss of an area of open space that makes an important contribution to the character or appearance of the area.

Further, members discussed the contribution to bio-diversity as is provided by these small parcels of land, this small but important benefit could be lost if the space was incorporated to privately-owned domestic garden.

OCC Highways No objection

WODC Legal And No Comment Received.
Estates

2 REPRESENTATIONS

2.1 Three comments have been received. They have been summarised as;

As the green spaces on Deer Park are vital for the local wildlife, considering all the building development in the area, it would be a great shame to lose another patch.

On reading the application it is clear that the applicant does not own the land and it is not shown on their Deeds or within the curtilage of the property. They are in fact just trying to enlarge their back garden for their own use which is quite understandable, however the Council has to be consistent and seen to be fair even though considering each application on their own merit. This land forms part of the open green space and I didn't believe people were allowed to erect anything on amenity land.

I would refer you therefore to application number 18/03550/FUL which was refused even though the land belonged to the property on Deer Park (mine).

In principle I support this application to utilise this land for the purposes specifically of enlarging the applicants domestic garden. I do however have two comments to make about the covering letter for the application made by Mike Gilbert. I think it is a slight embellishment to suggest that this land is effectively a "dog toilet" and additionally there were plantings in the area but they were removed a couple of years ago. That said it is very true to say that the land is now rather scruffy and unkempt and would be much better served within the boundary of a well maintained property.

My only concern is that this application is not utilised in the future by other local properties as a precedent for future applications. I think that this application should be seen as unique, in that the land would be much better served, in this specific case, within the boundary of a property where it will be looked after and maintained.

3 APPLICANT'S CASE

3.1 A covering letter has been submitted with the application. It has been summarised as;

The application site is a small scruffy piece of land which is currently used as a dog toilet. It lies beside a public footpath / cycleway and a large area of public open space. The site measures only 3.5m deep by 25m wide and is too small to be used for any beneficial purpose. It includes no planting to complement / landscape the footpath / cycleway, only overgrown weeds in front of the existing fencing. The proposal will tidy up this section of the footpath / cycle route and, given the expanse of public open space opposite the application site, it will not result in any oppressive or enclosed feeling for pedestrians and cyclists.

The proposal will remove the existing use of this piece of land as a dog toilet and put it to good use for the applicant without harming the character of the area or the setting of the adjoining footpath / cycleway. It is hoped, therefore, that planning permission will be granted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

T4NEW Parking provision

EH2 Landscape character

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 residential area of Witney. The site area is 87.50 square metres.

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

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 The proposal is for the change of use of amenity land to residential and to form part of the applicant's domestic curtilage. The area of land is adjacent to a footpath alongside existing residential development. Your officers consider that the proposal complies with Policy OS2 and its general principles. The most relevant general principle is considered to be that proposed development should 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. The area of open space is located adjacent to a footpath, as such your officers consider that as the area of land is not significantly visible within the general public domain, that the existing area of land does not make an important contribution to the character or appearance of the area.

5.5 The application which is cited within the representations section of the report, planning application reference 18/03550/FUL, has been referred to by your officers. However given that area of land was significantly visible within the public domain, adjacent to the main roads within this development, your officers consider that the site positioning is different to the proposed.

5.6 Your officers consider that given different boundary treatments within the vicinity of the current application site, that the proposed enclosure will not be so detrimental to warrant refusal of the application.

Siting, Design and Form

5.7 A proposed 1.8m close boarded fence is proposed to enclose the area of land. Your officers have suggested a condition, requesting that the proposed colour to be used for the fence is submitted, and that hedgehog gaps are included.

Highways

5.8 OCC Highway has no objections to the proposal, it does not affect the adjacent public right of way.

Residential Amenities

5.9 Because of the location of the piece of ground to be incorporated into the domestic curtilage, your officers do not consider that residential amenities of neighbouring dwellings will be adversely affected by the proposal.

Conclusion

In view of the above, given the location of the existing parcel of land and its modest scale, officers consider that the wider impact of the locality will not be adversely affected by the proposed development.

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 Prior to the enclosure of the land, details of the colour for the 1.8m fence shall be first submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

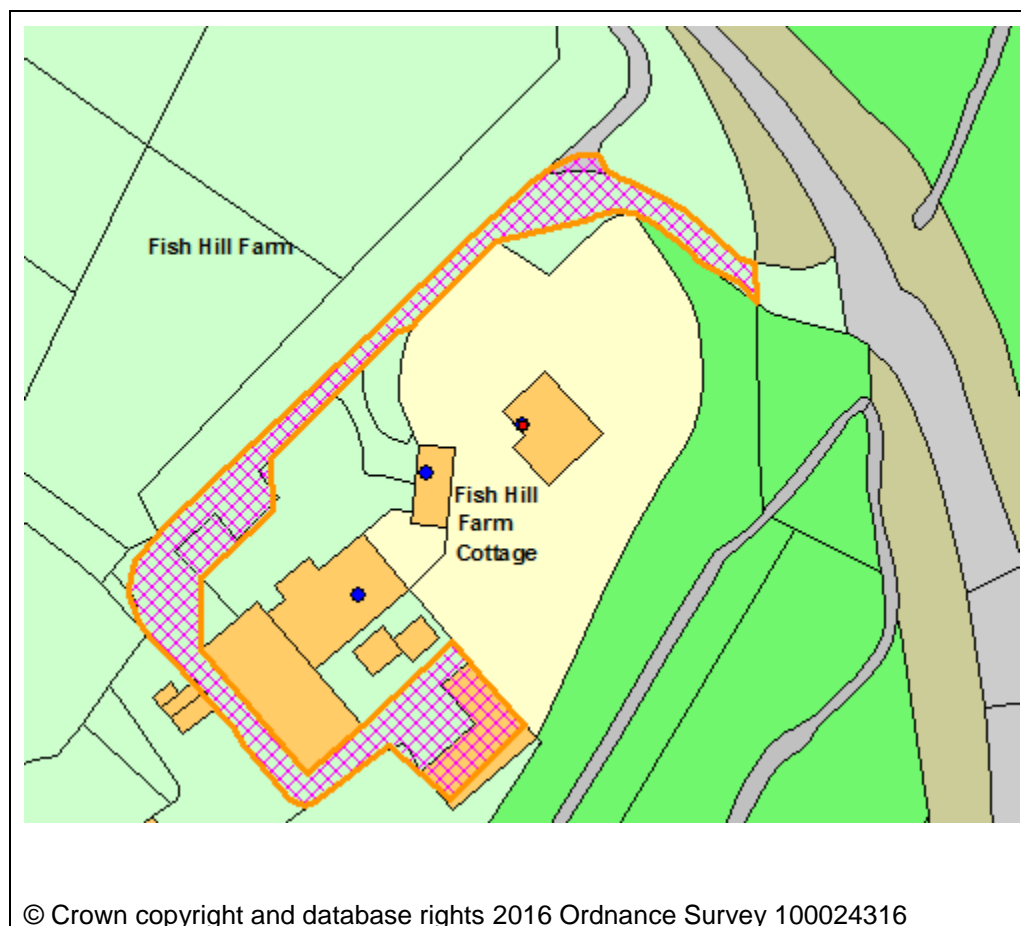
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 24th November 2021

Application Number	21/02906/S73
Site Address	Fish Hill Farm Wilcote Road North Leigh Witney Oxfordshire OX29 6WT
Date	24th November 2021
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438826 E 214103 N
Committee Date	6th December 2021

Location Map



Application Details:

Removal of condition 1 of permission 10/0425/P/FP to allow the use of the barn for rearing livestock and storage of feeds, bedding and equipment associated with the agricultural or horticultural use of the land

Applicant Details:

Mr Stuart James
Fish Hill Farm
Wilcote Road
North Leigh
Witney
Oxfordshire
OX29 6WT

1 CONSULTATIONS

Parish Council The Parish council objects to this application because of the deleterious impact it will have on the residential amenity of the nearby cottage, which is less than 150 metres from the site.

Permission 1 of 10/0245/P/FP clearly specified the restrictive use of the building to storage of hay, straw, feed and [a] tractor associated with the agricultural and horticultural use of the land. This obviously excludes the use of the barns for livestock, the reason for the decision being the impact on the residential amenity of the cottage from nuisance noises and odours from farm livestock..

There is no justification in removing this condition, indeed we understand that the applicant has contravened the condition on a number of occasions and it should be now reinforced.

WODC Env I have no adverse comments to make.
Health –
Lowlands

OCC Highways No Comment Received.

2 REPRESENTATIONS

2.1 An objection has been received, and summarised as;

Mr and Mrs Young purchased Wisteria Cottage in 2004. At the time of the purchase until 2019 Fish Hill Farm was owned by Oliver Barnicote and used exclusively as a livery yard and as a base for an entertainments business (storage of lighting and audio equipment). The livery business was contracted out to a third party and Mr Barnicote continues to operate the entertainment business from the site. Our clients have lived next door to Fish Hill Farm without complaint or concern throughout this period. In fact, their daughter's horse was stabled at the livery between 2006 and 2008.

At some point after 2018 the livery contract was changed and awarded to Stuart James, the current business partner and applicant of this application. Mr James initially continued to operate the livery yard on the same basis until 2019 when a few goats were introduced to the site. He also operates 'Rapid Leasing' from the site.

What was initially a few, free-range billy goats on site for fattening up ready for slaughter and sale of the meat, has now intensified to such a level that both the original barn complex and the hay storage building (the subject of this application) are now being used. The livery yard business has ceased and there are approximately 200 plus indoor reared goats.

This current application before the LPA seeks to vary condition 1 of the 2010 approval, which states: 'Only hay, straw, feed and tractor associated with the agricultural or horticulture use of the land (as stated in section 3 of the application for planning permission) shall be stored in the approved building. Reason: The building is only suitable for the storage specified because of the special circumstances of the site. Policy BE2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011)'

The applicant in section 5 of the planning form for the current undecided application before the Local Planning Authority (LPA) has suggested the following alternative wording:

'The building shall only be used for the rearing of livestock and storage of feeds, bedding and equipment associated with the agricultural or horticultural use of the land.' The original condition refers to 'horticulture' (sic) and the proposed amendment specifies 'horticulture'. Clarification should be sought as to whether a new, further use is being proposed on site or if this is a 'typo'. As it stands, it is our clients' contention that an application for change of use should be applied for and not a variation of a condition application. The rearing of livestock on the site and the use of the building for intensive livestock rearing is fundamentally different to the uses on the site at the time of the 2004 and 2010 applications, and when the original purpose of the building was considered and approved.

The LPA's deliberation of the use of the storage barn for the keeping of livestock must be considered in light of the cessation of the livery yard business and the other business uses on site

The applicant's agent in the supporting statement states that goats, sheep, pigs and chickens are raised on the site. It is also stated that the building the subject of this application is ideal as a holding building for the kids and lambs before they reach a suitable age to be turned out to the paddocks. It is understood that un-castrated billy goats, which are generally rather smelly, occupy the storage building and rarely leave the building.

My clients are unsure when the barn complex to the north was constructed and if planning conditions were applied restricting its use. It is now being used for agricultural livestock rather than equestrian use - probably not the equestrian use it was permitted for.

The application is not supported by a business or management plan for the farm

Our clients consider that an application to vary the condition cannot be looked at in isolation and must be considered as part of the running and operation of the whole site, including the non-agricultural and non-equestrian uses.

The building is approximately 150 metres from the Wisteria Cottage, with the residential garden less than this.

Because it is recognised by Government that the introduction of livestock buildings in close proximity to residential properties may result in an adverse impact on the amenities of the occupiers, permitted development rights for agricultural buildings is conditional upon them being more than 400 metres away if to be used for livestock. Otherwise full planning permission is required to fully assess the impact.

Since November 2020, when the goat rearing activity on site intensified, Mr and Mrs Young have suffered from overpowering and nuisance odours on many occasions within their home and garden. Sometimes persisting throughout the day.

Our clients have kept a record of the times and dates of these incidences (31 in total at the time of writing this objection) together with additional notes on the prevailing weather conditions (Appendix 2). As you will see from this log overpowering smells from the site are a re-occurring problem and adversely impacts upon the residential amenity of Mr and Mrs Young.

The Environmental Health Officer has commented on the application and raised no objection, but has an assessment of the possible pollutants and waste management been undertaken?

The existing belt of trees along the southern boundary between the application site and Mr and Mrs Young's garden does not offer adequate screening. The photographs at Appendix 3 clearly show how this belt of trees does not provide an adequate landscape buffer. Outdoor storage occurs between the storage building and the site boundary to the south east. This is unsightly and feed bags are regularly seen blowing around in tree belt and stream - posing a danger to wildlife.

No details are given about employment at the site and if workers are required on site in addition to the Mr James and his family in order to run the livestock business.

Policy EN8: Environmental Protection states that proposals which are likely to cause air pollution, will only be permitted if measures can be implemented to minimise pollution on amenity grounds. No such measures are proposed or in place.

Mr and Mrs Young acknowledge that the countryside is a living and working environment and agriculture is an important and necessary element of this. However, the impact of any development upon their residential amenity is also a material consideration. Our clients consider there is still a considerable amount of information required and unanswered questions before this application should be decided. Until the full extent of the proposal is known, including the number of animals and type of livestock, this application cannot be fully assessed by the LPA.

The planning authority is respectfully asked to refuse this planning application on lack of information and the detrimental impact upon the residential amenities of the occupants of Wisteria Cottage.

3 APPLICANT'S CASE

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

3.1.1 Mr Barnicoat owns the property and used to run the site as a livery yard, Mr James lived off site and travelled each day to work there. In the last few years, Mr Barnicoat no longer had an interest in running the livery yard but came to an agreement with Mr James that he could take on the site and buy it in time. Mr James, therefore, continued to run the livery yard but also started to enhance the site so he and his family could eventually move in and work the property as a proper smallholding. The property is now occupied by Mr James, his wife and his six children who are developing and enhancing the site as a working smallholding.

3.1.2 The site is now being developed and run as a smallholding where Mr James and his family are raising goats, sheep, pigs, and chickens. The building in question is ideal as a holding building for the kids and lambs before they are big enough to be turned out into the paddocks. The use of the building for this purpose has no relevance or impact on Policies BE2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011, I would argue that what Mr James is doing with Fish Hill Farm is enhancing the countryside.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

EH8 Environmental protection

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

5 Background Information

The application site is located within an open countryside location and is part of a large plot. The nearest neighbouring property is Wisteria Cottage.

The planning history of the application site includes;
04/0407/P/FP Alterations and extensions to main dwelling and other ancillary works including raising height of wall, alterations and extension to detached garage to provide carers bedsit, and erection of covered manege horse walker and hay store, outdoor manege, lunging ring with new road and parking.
Approved

10/0425/P/FP Erection of detached storage building, (retrospective). Approved
As part of the 2010 planning application, a condition was included to state;

Only hay, straw, feed and tractor associated with the agricultural or horticulture use of the land (as stated in section 3 of the application for planning permission) shall be stored in the approved building.
Reason: The building is only suitable for the storage specified because of the special circumstances of the site. Policy BE2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011)

This proposal seeks planning consent to vary the wording of this condition with;
The building shall only be used for the rearing of livestock and storage of feeds, bedding and equipment associated with the agricultural or horticultural use of the land.

As noted within the objection received, your officers consider that the horticultural use as stated within the application form, is an error, given that it is used within the original condition and proposed rewording of the condition on the application form. The supporting document states that the use of the building is for livestock and not horticultural use. However your officers are confirming this with the applicant to ensure that this is the case.

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

Given the established use of the site and that the building already exists and is in use, your officers consider that the principle of such a use in this location is acceptable.

The general development principle of Policy OS2 includes that development should not adversely affect residential amenities of existing properties, and Policy EH8 Environmental protection states that proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

This issue is assessed later in the report.

Siting, Design and Form

Given that this is an existing building, officers do not consider that these issues are relevant to this application.

Highways

Your officers are still awaiting a formal response. Members will be verbally updated by officers at the meeting.

Residential Amenities

Your Environmental Health officer has been consulted with regards to this application and the use. They have no objections to this use. As such whilst your officers sympathise with the neighbouring property, given that there is no objection from a technical consultee, your officers do not consider that refusal is justified in this situation.

Conclusion

Given that the location of the existing building is set away from the neighbouring property, and that your Environmental officer has raised no objections, your officers consider that the proposed use is acceptable and compliant with the relevant policies of the adopted West Oxfordshire Local Plan. Confirmation to the wording of the revised condition and any response from OCC Highways will be verbally reported 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 building shall be used for the purposes as set out within the application and for no other use.

REASON: To protect existing residential amenities.

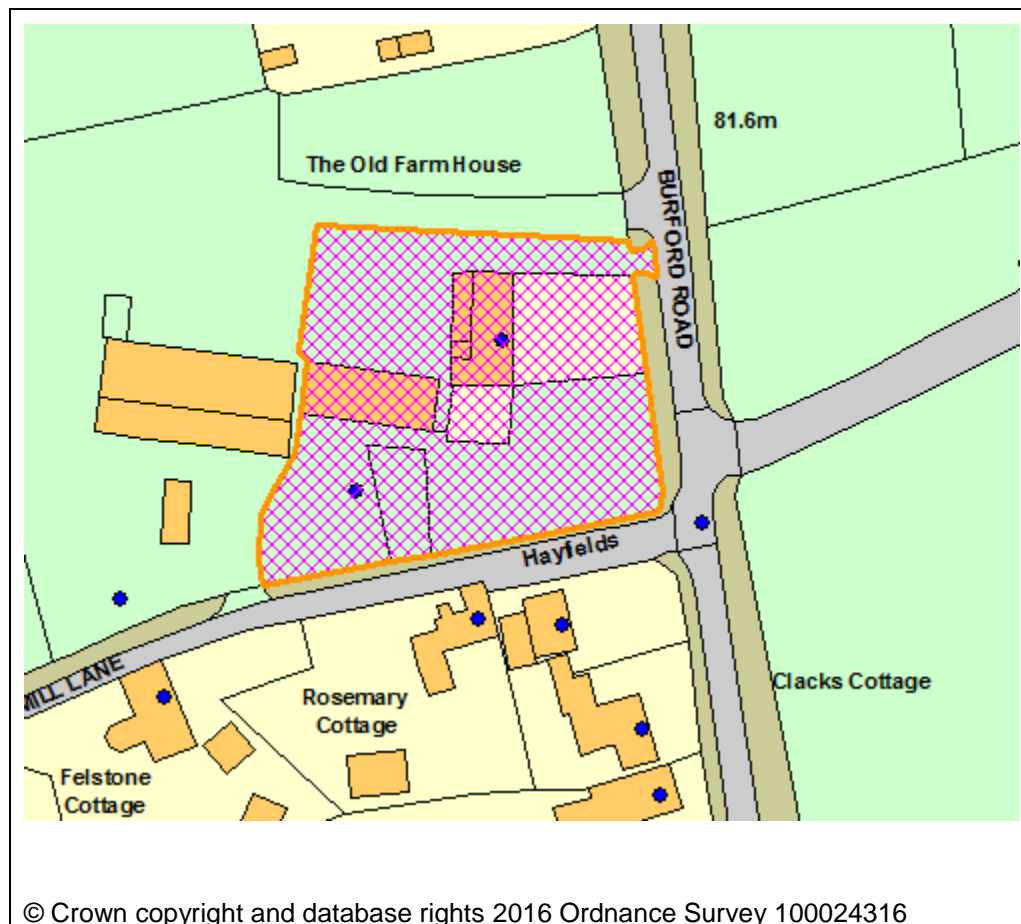
Contact Officer: Miranda Clark

Telephone Number: 01993 861660

Date: 24th November 2021

Application Number	21/03027/FUL
Site Address	Old Farmhouse Burford Road Black Bourton Bampton Oxfordshire OX18 2PF
Date	24th November 2021
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Black Bourton Parish Council
Grid Reference	428727 E 204557 N
Committee Date	6th December 2021

Location Map



Application Details:

Formation of a vehicular access to serve the holiday cottages

Applicant Details:

Mr Neil Wiffen
Old Farmhouse
Burford Road
Black Bourton
Bampton
Oxfordshire
OX18 2PF

I CONSULTATIONS

OCC Highways

Given the low speeds and traffic flows in the adjacent area I cannot demonstrate the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience.

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

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.

Parish Council

Objects to the Planning Application.

Comment Reasons:

- Affect local ecology
- Design and layout
- Highways
- Neighbourliness

Comment: As a Parish Council we have been presented with a list of objections from our Parish Council committee. As the Parish Clerk please can it be noted. The access could cause:

- Water Supply issues
- Increased traffic problems both during and after construction.
- The ancient dry stone wall being removed/reduced and tampered with.
- Damage to grass verges by vehicles.
- Damage to underground water pipes.

Conservation Officer

We would lose a small section of what appears to be a relatively modern stone wall, and some coniferous hedging.

There are no great objections from our point of view.

Ecologist

I recommend that the conifer hedge is removed outside of the nesting bird season and this can be included within a suitable condition and informative (see below).

There are a number of ponds to the south-west of the site and so if great crested newts are present in these, the species could potentially use the stone wall as shelter. I would therefore recommend that Precautionary measures are carried out including the removal of the stones carefully by hand.

I have copied in Connie (Newt Officer) so that she can comment further on whether she thinks a PWMS would be sufficient for GCN. Connie would you agree that precautionary working (outlined below) is ok for this?

Possible conditions and informatives include:

a. The works shall be completed in strict accordance with the measures outlined within the Forest Of Dean District Council's Precautionary Working Method Statement guidance note dated 16th May 2012 available at:

<https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-for-reptiles.pdf>. Precautionary measures shall also include the removal of the hedge outside of the nesting bird season. If the removal of the hedge is required between March to August, the works shall not commence until a careful check for nesting birds has been Completed. If bird nests are found then works must stop until the chicks have fledged. All the recommendations and measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that species and habitats 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.

Informatives

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 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 license from Natural England prior to commencing works (with regard to bats).

Newt Officer

Thank you for sending that through, I agree that a PWMS should be sufficient in this case. Of course, if the applicant would still like to take advantage of the Great Crested Newt district license scheme, they are more than welcome to enquire for more information through our website (<https://naturespaceuk.com/>)

2 REPRESENTATIONS

2.1 Full details of all representations received can be found on the Council's website.

2.2 Seven Objection comments have been received and raise the following concerns:

- Surface water drainage and increased floor risk for neighbouring properties
- Highway safety and increased traffic
- Damage to water pipes resulting in water supply issues
- Impact of removing the hedge and wall on the character of the street scene
- Loss of privacy and loss of sight and sound barrier formed by the wall and hedge from the neighbouring L A Lockarts Plant Hire Business and approved holiday lets.
- The additional access being tantamount to a new business and residential use. A precedent being set following the refusal of previous application 07/0252/P/S73.

2.3 A general comment and two support comments have been received and refer to an extra passing place being created, and further commercial opportunities to local tourist related businesses in the area.

3 APPLICANT'S CASE

3.1 The following statement has been submitted:

The applicant and his family recently obtained permission to convert an outbuilding situated rear of The Old Farmhouse into two holiday cottages.

When gaining this permission it was thought that access via the existing drive to The Old Farmhouse might be adequate for both their home and the holiday cottages. On further examination, it is clear there are valid concerns regarding the safety of this combined access use, and so we are seeking permission for an access onto Mill Lane, dedicated to the holiday cottages.

Having obtained at least 20 holiday cottage permissions in WODC District, it seems from speaking with my clients that while busy, they don't always generate as much traffic as permanent dwellings. They are indeed popular, but they are almost never completely booked out. This results in days when they are empty and so few if any traffic movements on those days. Guests aren't commuters, and so they often stay at the holiday destination for a day and more relaxing, on such days they may not venture out. It's difficult to provide clear figures, but the assumption is that overall they may generate less traffic than a similar number of dwellings.

The applicant and his wife have young children, and feel that anyone, future home owners of The Old Farmhouse included, would be rightly concerned about the occasional traffic movement from guests using the established

access that runs alongside The Old Farmhouse. Children and traffic don't mix. This is a serious, potential safety hazard, one that they would wish to avoid.

In addition, they feel that the impact upon the listed building would be reduced if a modest, separate access, restricted to holiday cottage use, is created in Mill Lane.

It is assumed that Mill Lane is an unclassified road, and if The Old Farmhouse was not listed, an access to serve that dwelling, onto Mill Lane would not normally require permission. This may indicate that an access onto this minor road, is not seen as a major issue in highway safety terms by the Highway Authority. There is a 2,1 metre (7 feet) wide grass verge at this point, the lane is narrow and so traffic is slow along it, reduced speeds means a higher degree of highways safety for local users.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH11 Listed Buildings

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application is to be heard before the Lowlands Planning Sub-Committee as the Parish Council have objected to the proposal.

5.2 The proposal seeks consent for the formation of a new vehicular access to serve holiday cottages which were approved under application reference 21/01457/FUL.

5.3 The application relates to Old Farmhouse, Burford Road, Black Bourton and is a detached grade II listed property.

5.4 The proposed new vehicular access is to be situated on Mill Lane and involves removing part of an existing boundary wall and hedge, the proposal includes 4 parking spaces and the installation of a wooden entrance gate. The new access is to be situated approximately 9.8m east of an existing access serving L A Lockarts Plant Hire. Additional tree planting along the boundary is also proposed.

5.5 Amended drawings have been submitted as part of this application setting the proposed gates further into the site to allow for vehicles to wait off road whilst the gates open.

5.6 Relevant planning history:

19/00346/OUT-Construction of detached single storey dwelling and associated vehicular access and parking- Withdrawn.

20/03279/HHD- Refurbishment of existing outbuilding and raising of ridge height- Approved

20/03280/LBC- Internal and external refurbishment of existing outbuilding including raising or ridge height and changes to external materials- Approved.

21/01457/FUL-Raising the roof and conversion of existing building to form two holiday cottages- Approve.

21/01458/LBC -Raising the roof and conversion of existing building to form 2 holiday cottages-Approve.

5.7 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
- Residential Amenity
- Visual amenity
- Highways
- -Impact on the setting of a grade II listed building.
- Ecology

Principle

5.8 The principle of a new access and off-street parking to serve holiday lets are considered acceptable, subject to careful consideration of the amenity, visual, ecological and highways impacts being carefully considered.

Residential Amenity

5.9 Third party representatives have raised concerns regarding the proposed removal of part of the dry stone wall and hedge, as they consider that it creates a sight and sound barrier from the recently approved application 20/02754/FUL, for the Change of Use of land to hardstand storage for equipment at Lockhart Ltd. However, conditions were applied to the consent of application 20/02754/FUL, which required a sound barrier to be erected and a sound management plan to be submitted and approved by the local authority. Details of the sound barrier and sound management plan have since been submitted and approved as part of discharge of conditions application 21/01835/CND. The proposed removal of the boundary wall and hedge does not impact the approved sound barrier.

5.10 Given the design of the proposed access, the amount of boundary wall and hedging which will need to be removed and that the approved holiday lets are of a single storey scale and set further within the site, your officers do not consider that the proposal would give rise to harm, in terms of neighbouring amenity issues, such as loss of privacy or overlooking.

5.11 Therefore, your officer's consider that the proposed vehicular access will not lead to a significant increase in noise and disturbance, or give rise to overlooking or loss of privacy issues and as such, will not have a detrimental impact on the residential amenity of the surrounding neighbours.

Visual amenity of the street scene

5.12 The proposed new access will be visible within the street scene. However, given there are comparable openings within the immediate locality and the scale and design of the proposed, your officers do not consider the proposal would give rise to harm in terms of the visual amenity, that would warrant the refusal of this application.

Highways

5.13 Third party representatives and the Parish Council have raised concerns regarding the proposed vehicular access and the impact it will have on the surrounding road network and highway safety.

Oxfordshire County Council Highways were consulted as part of the planning process and given the low speeds and traffic flows in the adjacent area, cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application, for reasons of highway safety and convenience. As such, OCC Highways have raised no objection subject to conditions and an informative.

Impact on the setting of a grade II listed building

5.14 Third party representatives did raise concerns with the proposed removal of the wall as they believed it be an ancient dry stone wall. The applicant has submitted a response to the comments that have been made against the application and stated that the wall was in fact built in the 80's and does not form part of the ancient dry stone wall of which they are referring to. The WODC Listed Building and Conservation Officer has been consulted with and has raised no objections as they believe the wall to be relatively modern and given the amount of wall which is to be removed.

5.15 Your 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 listed building, the proposed new access including removing part of the boundary wall is not considered to obscure the historical architecture of the existing listed building. Your officers consider the proposed development would respect the special qualities and historic context of the area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. As such, you officers consider the proposed development to conform to policies EH10 and EH11 of the Local Plan.

Ecology

5.16 The proposed new access involves removing part of the boundary wall and a large hedge, as such your officers have consulted with the WODC Biodiversity and Great Crested Newt Officer. The site falls within an Amber Zone for Great Crested Newts. The WODC Biodiversity Officer and the Newt Officer have raised no objections to this proposal subject to conditions and informatives being applied to the consent of the application.

Other matters

5.17 Concerns have been raised from neighbouring properties and the Parish Council regarding the impact the proposed new access would have on water pipes which run underneath the grass verge. Whilst your officers are unable to consider the impact the proposed development would have on the water pipes as part of the assessment for this planning application, your officers suggest an informative relating to the issue is included as part of the consent.

5.18 A third party representative had requested that the applicant submits a tree survey, however given that the trees are not protected or within a conservation area and the scale of the development, your officers did not consider it to be reasonable to request that a tree survey is submitted.

5.19 Third party representatives have raised concerns regarding surface water drainage. OCC highways have requested that a condition is applied to the consent stating that details relating to the surface water drainage are submitted to and approved by the local authority before the holiday lets are occupied.

5.20 A neighbouring resident has raised concerns that the additional access would be tantamount to a new business and residential use. Whilst your officers can only assess the subject of this application, your officers note that a condition was applied to the consent of the holiday lets which restricts the use.

5.18 A third party representative states that there has been a precedent not to accept an additional access within Mill Lane following the refusal of application 07/0252/P/S73, which was also dismissed at appeal. The application mentioned refers to the non-compliance of condition 2 of planning permission 05/0386/p/fp, to allow a craft workshop to be used by person other than owner of the cedars. It was considered that a workshop in this location, not associated with the main dwelling at the site, was not acceptable due to neighbouring amenity issues and did not specifically relate to a new access.

Conclusion

5.21 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4, EH2, EH3, EH11 and T4 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF.

6 CONDITIONS/REASONS FOR REFUSAL

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 That the development be carried out in accordance with the approved plans listed below.

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

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

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

4 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 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

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 The works shall be completed in strict accordance with the measures outlined within the Forest Of Dean District Council's Precautionary Working Method Statement guidance note dated 16th May 2012 available at: <https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-for-reptiles.pdf>. Precautionary measures shall also include the removal of the hedge outside of the nesting bird season. If the removal of the hedge is required between March to August, the works shall not commence until a careful check for nesting birds has been completed. If bird nests are found then works must stop until the chicks have fledged. All the recommendations and measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that species and habitats 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.

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).

0. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

0. Should the applicant encounter any issues during the development with the nearby water pipes, they should immediately seek advice from Thames Water directly.

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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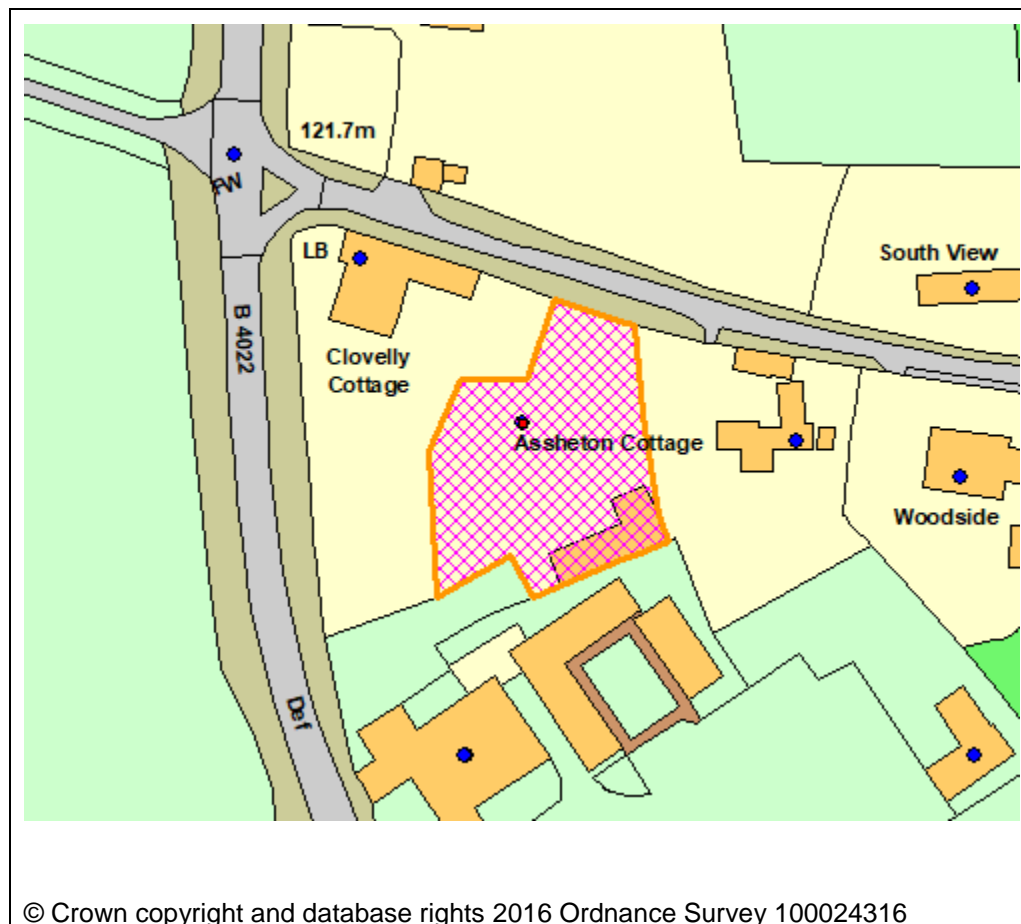
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 24th November 2021

Application Number	21/03302/FUL
Site Address	Land Adjacent to Clovelly Cottage White Oak Green Hailey Oxfordshire
Date	24th November 2021
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	434401 E 214001 N
Committee Date	6th December 2021

Location Map



Application Details:

Construction of a detached garage for storage not in connection with Clovelly Cottage. (Part retrospective).

Applicant Details:

Mr T Payne
C/O JPPC Chartered Town Planners
Bagley Croft
Hinksey Hill
Oxford
OX1 5BD

I CONSULTATIONS

Adjacent Parish Council	No Comment Received.
Parish Council	No objection to the application.
OCC Highways	No Comment Received.
ERS Env. Consultation Sites	<p>Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions</p> <p>Jackie McLaren Technical Officer - Contamination</p>
OCC Rights Of Way Field Officer	No objection.

2 REPRESENTATIONS

2.1 Four objections have been made, summarised as follows:-

- Other dwellings here also have outbuildings and this may create an unwanted precedent;
- The access onto the B4022 is dangerous and there have been accidents;
- The stone material and building method is poor;
- There is visibility from Wood Lane due to the further access way that has been created;
- Potential for conversion/use for separate residential purposes;
- A commercial sized workshop/ garage is out of keeping with the character of the lane;
- Working on vehicles is likely to cause noise and disturbance;
- Potential security risk and alarms likely to be set off but without anyone on site to switch them off.

3 APPLICANT'S CASE

3.1 The applicant makes the following points in support of the application:-

- All physical works are (largely) consistent with planning approval 15/01432/HHD.

- This application now seeks to regularise the use to one which strays outside the restrictions of condition 4. The use is essentially the same - for the storage of cars personal to the applicant just that the association with the adjoining land/house has been severed.
- The intention is not to use the garage for commercial purposes (the applicant owns a large commercial premises in Eynsham from which employment based activities occur and will remain) but to continue its usage for residential storage.
- The premises will be used solely by the applicant and not as a commercial venture. Nobody will be able to distinguish the use in character or activity from a conventional C3 ancillary use.
- It is recognised that a conventional commercial use in this location has the potential to fall foul of the Council's restrictive employment location policies, however a use for residential storage and ad hoc workshop use here which could be conditioned as personal to the applicant would not have the same impact.
- The subdivision of the land has been well-conceived as the garage has plentiful space around it and benefits from its own established access way. Adjacent Clovelly Cottage retains a more than adequately proportioned garden; the two uses can operate independently and are sufficiently separated from each other (as too is the garage from neighbours as evidenced in the 2015 delegated officer report) such that the proposal would not be "un-neighbourly".
- The access way to the land is separate to Clovelly Cottage which has its own access and parking to the rear. The two can operate independently without friction. The 2 metre boarded fence running the shared boundary provides a good degree of protection and screening from a building which has been moderated to single storey and incorporates a hipped roof to negate any concern relating to bulk.
- Vehicular movements associated with the use would be negligible. The applicant would infrequently need to or find time to visit the site as he is fully employed in Eynsham. The trip rates would be occasional to support storage of his motor vehicles which are not kept for being daily run-arounds
- The use hasn't actually changed from what was permitted in 2015;
- A residential storage use in this location would have no perceptible impact.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

Background Information

5.1 This is a part-retrospective application for the construction of a garage/work shop for domestic storage on Wood Lane, in Whiteoak Green to the north of Witney. The land to which the proposal relates was previously approved as part of and ancillary to the residential planning unit of Clovelly Cottage, but this unit has been recently sub-divided, Clovelly Cottage and its reduced curtilage having now been sold, whilst the applicant has retained the land the subject of this application, whose title is registered separately from that of Clovelly Cottage at HM Land Registry.

5.2 In 2015, when this land still formed part of the title to Clovelly Cottage owned by the applicant, permission 15/01432/HHD was granted for the construction of a garage/workshop ancillary to the residential use, for the storage of the applicant's motor vehicles. The plans submitted with the current application relate to a building with the same floor print as that permitted in 2015, but with modifications to the roof, materials and changes to the location of windows and doors. It is therefore not an implementation of the approved scheme but rather is an unauthorised building.

5.3 Clovelly Cottage is one of a handful of dwellings located to the north of the Bird in Hand public house sited in a broadly linear pattern along Wood Lane, which leads onto the B4022. To the west of this road lies the AONB. Many of the dwellings have large gardens and are widely spaced within a rural setting comprising numerous hedgerows and trees and within a short distance of an area of woodland known as Singe Wood. Prior to the sub-division, Clovelly Cottage benefitted from a generous curtilage within which, prior to 2015 there were already two outbuildings, one a garage in the approximate current location of the current incomplete workshop and another, to the rear of the site, a derelict shed/small stable. In the delegated report for the 2015 permission, the officer noted the large footprint of the proposed replacement garage (this being twice the size of the existing garage) but took into consideration other large outbuildings in the vicinity. The officer was of the view that the garage was sufficiently distanced from neighbouring properties not to impact on neighbouring amenity in an adverse way. Permission was granted with a condition that the garage be used only for ancillary purposes, as is usual practice where consent is given for residential outbuildings.

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 principal issue is whether the sub-division of the original residential planning unit and the fencing-off of the application land to create a new planning unit is acceptable. If consent were granted it would have the effect not only of allowing the large workshop/garage to remain but also of granting consent for a change of use of the application land from residential to a storage use for his cars, but without association with any existing residential unit. The applicant in his statement within the 2015 application said that he wished to store classic cars and to use the garage for maintenance and restoration work as well as potentially to carry out woodwork projects. In the current application, "residential storage" is given as the proposed use and no mention is made of any works to be carried out, although it is arguable that this is implicit in an application for a workshop. It is stated that the new use is not un-neighbourly because Clovelly Cottage retains a well-proportioned garden and the garage has plentiful space around it, has its own access and can therefore operate independently.

5.6 Without the benefit of an existing association with a residential dwelling Council policy requires justification to be made for development in villages and the open countryside. This proposal constitutes isolated and unsustainable development for which no adequate justification has been made.

Highways

5.7 Officers note residents' concerns about the safety of the access onto the main road. Highways have been chased for a response but at the time of writing this report there has been no response.

Residential Amenities

5.8 Although the applicant describes the proposed use of the garage as domestic, it is difficult to see how this is in practice possible where there is no associated residential use of the land. The residential tie ordinarily carries with it certain implicit constraints in relation to type and level of noise and hours of activity which operate to neighbours' mutual benefit and which would not be present here, where the applicant could come and go at will with less incentive to foster good relations with his neighbours. Without a residential presence on site, there would arguably be more freedom to use land in a more anti-social manner to the detriment of the character of the surrounding area. Although conditions

might go some way to addressing potential noise, disturbance and preventing outdoor storage, they would not be able to cater adequately for the inevitable associated changes that would accrue over time, in terms of, for example, the number and type of vehicular movements, deterioration of the condition of buildings, maintenance of surrounding land, all of which would by a process of accretion inevitably operate further to impact adversely on the character of the land and on the wider residential area. Moreover, by granting permission in this case it would become more difficult to resist granting permission for other similar proposals.

Siting and design

5.9 Although the building is the same size and similar in design to what was approved in 2015, the size is nevertheless substantial and was only permitted (i) on the basis of the very large capacity (c. 1 acre) of the previous plot; (ii) the lack of visibility from the street scene; and (iii) on the basis of similar very large residential outbuildings in the near vicinity. At least two of these factors no longer pertain to this application for a non-residential building in its own, smaller, plot.

5.10 White Oak Green is considered to be an open countryside location and as such the policy of restraint applies. Policy H6 provides that sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in that area.

Conclusion

5.11 In Officers' view the creation of a new free-standing storage/workshop use, even if as stated by the applicant it is only intended for hobby purposes would nevertheless be incongruous, inappropriate and unsustainable development in this location. Due to the lack of association with residential use there would be potential for noise and disturbance including increased vehicular activity that would be incompatible with the residential character of the area and the amenity of occupants of adjacent properties, contrary to policies OS2 and H6 of the WOLP 2030. The size of the proposed building would further allow for a use that potentially exceeds a domestic hobby use when considered in the context of a free-standing non-residential planning unit. For these reasons and those given above, the application is recommended for refusal.

5.12 It should be noted that County Highways have not yet responded to consultation and depending on that response, there may be a further, highway safety reason for refusal.

6 CONDITIONS/REASONS FOR REFUSAL

1 The subdivision of the residential planning unit at Clovelly Cottage to create an independent and unrelated storage use in an unsustainable location would by reason of the potential for increased noise and disturbance be incompatible with adjoining uses and would have a harmful impact on the amenity of existing residents and the wider countryside contrary to policy OS2 of the adopted WOLP 2031. By reason of its large size, visibility from the street scene and its proposed use unassociated with any planning unit the proposal fails to respect the residential character of the immediate area to the detriment of the amenity of the neighbouring residents contrary to policies OS2 and H6 of the WOLP 2031.

Contact Officer: Kelly Murray

Telephone Number:

Date: 24th November 2021