

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 28th March 2022

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.

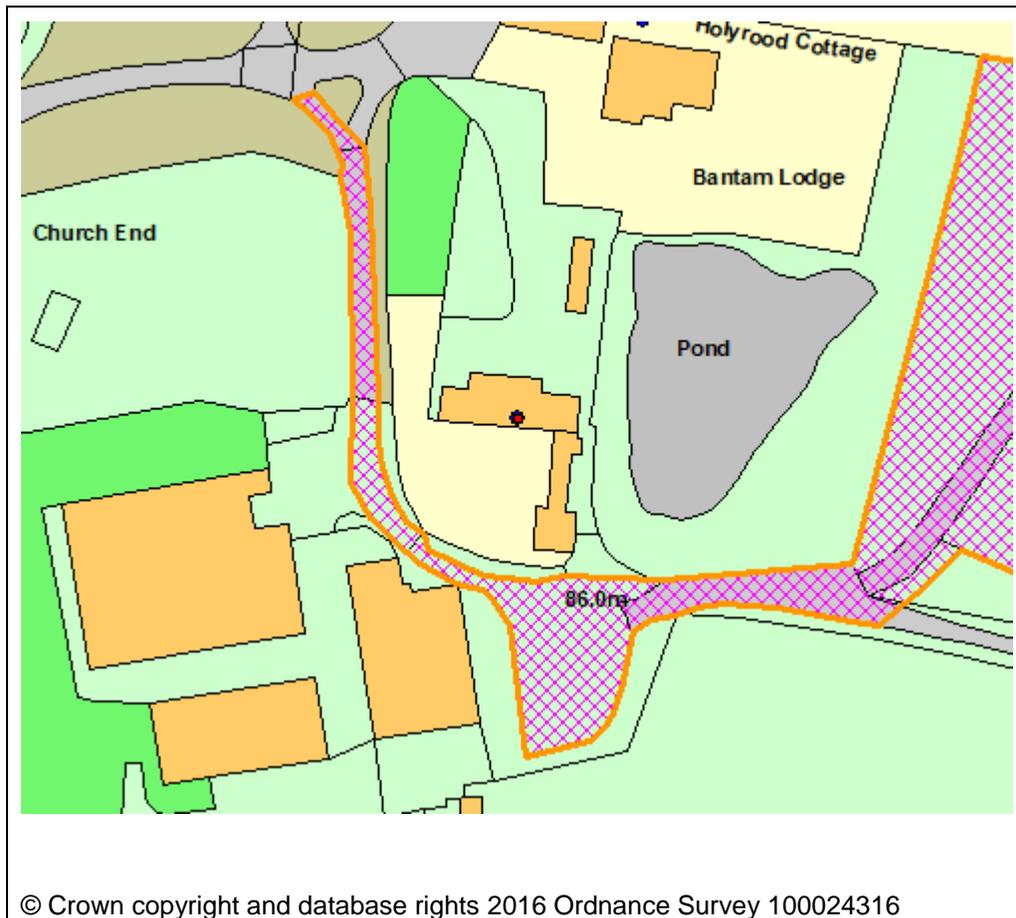
Please note that:

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	Application Number	Address	Officer
11 - 24	21/01628/FUL	Church Farm Church End	Sarah Hegerty
25 -32	21/02106/FUL	Church Farm Church End	Sarah Hegerty
33 - 47	21/02779/FUL	61 High Street Standlake	David Ditchett
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Application Number	21/01628/FUL
Site Address	Church Farm Church End South Leigh Witney Oxfordshire OX29 6UR
Date	16th March 2022
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	South Leigh Parish Council
Grid Reference	439385 E 208884 N
Committee Date	28th March 2022

Location Map



Application Details:

Change of use of use of land to allow the siting of 3 glamping wagons together with the erection of a bike storage shed and provision of 4 no. parking spaces (amended).

Applicant Details:

Church Farm Partnership
Church Farm
Church End
South Leigh
Oxon OX29 6UR

I CONSULTATIONS

Parish Council

Policies considered by the Parish Council and applied - E2, E4 and EH2 of the West Oxfordshire local plan and SL1, SL7 and SLD6 of the South Leigh Neighbourhood plan.

Background and Summary of Argument The proposal is for development on a green field site and for use of land to allow the siting of 3 glamping wagons and for tent camping together with the erection of a bike storage shed and the provision of 4 parking spaces. Also involved will be a communal area with campfire and seating area - see 2.11 of the supporting report and connection to a sewage treatment plant - 2.16. "A location away from the farm yard has been chosen" - supporting report 2.5 and it is accepted that it is Class E development - supporting report paragraph 2.7.

The Parish Council accepts that the supporting report refers to the relevant policies, save EH2 and SLD 6, but fails additionally to explain how the planned applications can meet the requirements of E2, EH2, SLE1 and SLD6.

Particulars

E2 - how is this development part of a "core farm/estate business" and how is it "compatible and consistent with the farm estate/operation."

E4 - we accept that E4 could be met - see 3.6 of the supporting report.

EH2 - There will be a clear loss of "intrinsic character" rather than an enhancement of it, the "quality and distinctive" nature of the open fields will be neither "conserved nor enhanced" and there will be the loss of "visual" value. Further the proposed development will cause noise and light pollution and have "an adverse impact" on the "landscape character."

SLE1 The development will not "respect and safeguard the countryside" or "conserve" or enhance "the intrinsic character and beauty of the landscape features" as "the rural landscape and visual setting" "the tranquillity and perception of remoteness" and "the "dark skies" will be detrimentally affected. In relation to the last (dark skies) see SLE7 where the proposals would have "a detrimental effect on intrinsically dark landscapes..... local amenity, character of a settlement and wider countryside."

SLD 6 whilst the policy allows for development of the existing rural businesses and allows them to expand and develop, those developments have to be in keeping with, for instance the "form and character of its surroundings" "not significantly adversely affect the amenities" or significantly increase traffic on the rural roads in the

parish but more particularly the use must fall within Classes B1, B2 or B3 which this does not. So that this policy is not met in a significant way.

Further and in general The Parish Council argues that it sees no reason why this site (land which has probably been open for many centuries) should be developed.

The Parish Council is concerned with the precedent that will be set for other applications in the Parish which either separately or cumulatively, if granted, would be to reduce the green quality of the immediate surrounding countryside. It would be difficult to say "no" to these other sites, if "yes" is said to this site.

As indicated a green field site has been chosen when an unused farm yard is available, albeit with greater investment - the Parish Council is concerned that areas are built on, abandoned, left to deteriorate and a new business started on a virgin green site.

It is inevitable that a large amount of lighting would be needed - the report underestimates this - as it would not just be on the units and around them but on the way to them - Health and Safety would undoubtedly require, by vehicles (whether formally permitted or not) moving around on the field, next to barbeques and so on such as around the communal area and seating area. The site will need infrastructure, above ground features. All of these will change the rural nature of the site.

There is concern that the depth of this pond could be a danger to children and non-swimmers as being used for leisure with a depth of 2.4 metres could be dangerous.

The glamping wagons and supporting infrastructure for the site appear to be permanent in nature and placed on a green field site. There would appear to be no plan to move them during, say the winter months when not being utilized.

The Parish Council cannot support this application however if the applicant was to submit an application in the area near or on where the barns are situated the Parish Council position might alter as currently the plans submitted breach policies as stated above.

Further to this we feel that the proximity of the pond should be in the immediate vicinity of the accommodation as well as we have concerns over the depth of the pond from a safety perspective and would like to see safety measures in place if this was to be granted

WODC Business Development

I support this application from the economic development perspective. The COVID pandemic has increased demand for 'staycation' sites. The proposal is low impact and should the situation change, temporary in its nature. The applicant could easily remove the glamping wagons and continue with an agricultural use if demand dropped. I would suggest that given the proximity to the holiday season, a quick resolution is important. It may be that a condition limiting the use to the proposal would allay concerns that the site could be used for other Class E uses in the future.

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	<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. Review of the records we hold suggest there may be an area of unknown filled ground, possibly an infilled pond, in the vicinity of the proposed development site. Given the nature of the development I have no major concerns, however please consider adding the following condition to any grant of permission as a precaution.</p> <p>I. 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.</p> <p>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.</p>
WODC Env Health - Lowlands	Mr ERS Pollution Consultation I have No Objection in principle.
OCC Rights Of Way Field Officer	There are 2 public rights of way within/near to the site - South Leigh FP20 and South Leigh RB9. I do not believe that they will be affected by the proposal, therefor I have no objections
District Ecologist	<p>BIODIVERSITY OFFICER</p> <p>The applicant has joined the District Licensing Scheme for great crested newts. I have therefore included the recommended conditions and informatives that have been highlighted within the submitted certificate. Please may the Newt Officer (Scott Probert, copied in) and I be notified once the application has been approved so that the authorisation letter and relevant documentation can be sent to the applicant. This is so the applicant can then be authorised to carry out the works under the license.</p>

I also recommend that an external lighting strategy is prepared and submitted to ensure that no vegetation is illuminated on site. The details can be submitted to the LPA as a condition of planning consent.

Biodiversity enhancements can also be incorporated into the proposal. For example, bat and bird boxes can either be mounted onto the external walls of the glamping pods, mounted onto trees or pole-mounted boxes can be provided. Hedgehog gaps should also be installed within any new walls/fences. The details can be submitted to the LPA as a condition of planning consent.

A comprehensive landscaping scheme should be prepared to detail habitat features to be created and enhanced, along with a 5-year maintenance plan. For example, the hedgerows on-site can be infilled with native, locally characteristic species, a shade tolerant hedgerow or woodland wildflower mix alongside the hedgerows (e.g. within a 1-2 metre strip adjacent) can be used, and/or native tree species can be planted within the site. I also recommend that a Landscape and Ecology Management Plan (LEMP) is submitted for approval. The LEMP will secure the management of the site to maintain and enhance the site's biodiversity value in the long-term. This can include landscaping measures to be carried out within both associated planning applications (21/01628/FUL & 21/02106/FUL). The landscaping scheme and LEMP will need to be submitted to the LPA as a condition of planning consent.

Newt Officer

I note that the planning applicant has already applied to use the District License and has received a NatureSpace certificate (see ecological documentation). Please can you ensure that the relevant conditions (page 2) are included on the decision notice.

2 REPRESENTATIONS

2.1 No representations received

3 APPLICANT'S CASE

The main focus of this application is the Applicant's objectives to offer tourism related accommodation in the form of glamping wagons. As a result of Covid 19, there was a big surprise in the number of people enjoying staycations over the 2020 summer break as opposed to travelling abroad. It is expected that this boom in staycations will continue to some extent now that people have realised they can have just as an enjoyable holiday without leaving the country. Furthermore, with people becoming more aware of their carbon footprint, avoiding long flights abroad is seen as a significant step to living a more environmentally friendly lifestyle. As a result, many farming families, including that of the Applicant, are exploring how they can meet this rise in demand for interesting and new opportunities to enjoy the British countryside.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E2NEW Supporting the rural economy

E4NEW Sustainable tourism

EH8 Environmental protection

T4NEW Parking provision

NPPF 2021

SLE1 South Leigh NP

SLE2 South Leigh NP

SLE7 South Leigh NP

SLD6 South Leigh NP

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

5 PLANNING ASSESSMENT

5 Background Information

The site is located on the edge of the village of South Leigh and is not in any area of special designated control. The site forms part of Church Farm which comprises over 250 acres of farm and woodlands. There is a restricted byway (353/9/10) running along the southern boundary of the site.

The application forms part of a farm diversification scheme for Church Farm which is supported by a business plan. The proposal is for the siting of 3 glamping (glamorous camping) shepherd huts with associated parking and bike storage. The camping element of the proposal was removed following Officer concerns which are discussed further in the report. A separate application for a Biodiversity enhancement and recreational pond (21/02106/FUL) forms part of the overall proposal and this application also appears on the schedule.

The application is before Members as the Parish Council has objected to the proposal and Officers also received a call in from Cllr Haine regarding the positioning of the shepherd huts on a separate parcel of land and impact on dark skies.

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

Principle

Siting Design and Form

Residential Amenity

Highways

Biodiversity

Principle

The West Oxfordshire Local Plan (WOLP) POLICY E2: Supporting the Rural Economy states: New small employment sites in or adjacent to Service Centres and the Villages as listed in Table 4b will be supported where they are commensurate with the scale of the settlement and the character of the area.

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

Similarly the supporting text for Policy E4 provides additional commentary on sustainable tourism and acknowledges that "Camping and touring caravan sites are scattered throughout the District and many are small in size and of limited visual or environmental impact." It continues stating that sites for static caravans are not generally appropriate within West Oxfordshire but "well designed (non-caravan) holiday units are more appropriate."

POLICY E4: Sustainable tourism states:

Tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported.

New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible. In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified in the following circumstances:

- where there is a functional linkage with a particular countryside attraction; or
- the nature of the tourist and visitor facility is such that it could not reasonably be located within or
- close to Service Centres and Villages; or
- to secure the diversification of a farm enterprise or country estate in accordance with Policy E2

The National Planning Policy Framework (NPPF); Supporting a prosperous rural economy paragraph 84 states that

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 85 states Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The South Leigh Neighbourhood Plan policies, SL1, SL2 and SLD6 are supportive of development as long as the development respects the character of the area and the wider landscape and Public Rights of Ways. However policy SLD 6 specifically refers to business uses within the countryside and limits farm diversification schemes to specific Class B uses.

Policy SLD6 states:

Planning permission will be given for development that enables existing rural businesses in the Parish to expand and develop and for the conversion or reuse of buildings to new business uses provided that:

- It is in keeping with the scale, form and character of its surroundings.
- It does not significantly adversely affect the amenities of the community in the area.
- It does not significantly increase traffic on the rural roads in the Parish.

- The proposed use falls within Uses Classes B1, B2 or B3 of the Use Classes Order

The proposed development is part of a farm diversification scheme which given the low key nature and form of development (3 huts and small bike storage building), is not considered to be visually intrusive within the open countryside. It is also worth noting that whilst the application is being considered as a farm diversification scheme, the application itself also has tourism benefits for the village and wider area. There are no policies within the SLNP that refer to tourism uses within the village therefore WOLP policies would apply.

The NPPF and WOLP are supportive of farm diversification schemes such as this and whilst Policy SLD6 of the SLNP is more restrictive in terms of the proposed Use Classes allowed for farm diversification, the overall plan is generally supportive of such schemes. Officers acknowledge that the application does not comply with the restrictive element of policy SLD6, however on balance, the benefits as a tourism facility and farm diversification scheme are considered compliant with the less restrictive approach of the WOLP and the NPPF which outweighs the non compliance with the SLNP policy SLD6.

Siting, Design and Form

When initially submitted the application included a camping element. Officers raised concerns with the lack of separate amenity facilities for the camping pitches and questioned how this element related to the site and the shepherd huts themselves and this element was subsequently removed from the application. However a concern remained regarding the siting of the shepherds huts on a parcel of land detached from the village edge and the built form of the associated farm.

Additional information has been submitted by the applicant which makes a case supporting the siting of the glamping facility in such an isolated location. The information submitted includes a recent appeal decision (APP/D0804/A/14/2223423), in which the Inspector notes that camping sites in isolated locations are not uncommon. One of the qualities that a glamping site of this nature wishes to possess is isolation and tranquillity to allow visitors to experience the rural landscape of their surroundings. Therefore whilst the site is separated from the village edge it is contained by a mature boundary consisting of mature tree's hedging and bushes) and is still in relative close proximity to the village edge to the north.

Also the proposed recreational pond, which is subject of a separate application (21/02106/FUL), forms part of the overall tourism proposal for Church Farm and links the shepherd hut parcel of land to the village edge and the associated farm. Therefore Officers consider that the siting of the shepherds huts is acceptable.

In terms of design, the shepherds huts themselves are traditional in nature. Each unit is 7m long 2.5m wide and 4m high. The units are proposed to remain on wheels with a fully detachable veranda and no hard standing of any kind. The siting of the bike storage shed has moved closer to the built form of the associated farm and its size reduced so that it is more appropriate for the overall size of the site. The applicant has advised that there will be no lighting beyond the immediate shepherds huts themselves with occupiers issued with torches to navigate the site in the hours of darkness. Given the low number of shepherds huts and no external lighting proposed, Officers consider that the proposal will not negatively impact on the Dark skies which characterises the area. A Lighting condition has also been recommended to control any future external lighting.

Given the low key nature of the use and small number of huts proposed and the existing mature boundary treatment surrounding the site, Officers are of the opinion that the huts and the bike storage building will not negatively impact the wider landscape and are in keeping with the rural/agricultural

character of the area and site. Similarly the setting of the byway to the south is preserved and therefore complies with policy.

Highways

Whilst Officers appreciate that the lack of public transport options to this location means that journeys will primarily be made by private motor vehicle, given the low number of huts and limited occupancy levels Officers consider that the proposal would not generate significant levels of vehicle movements to negatively impact the highway network. Such tourism uses are also not uncommon in such rural areas. Whilst residents will probably arrive by car, the provision of a secure bike storage building encourages the exploration of the local area by bike and not just by car. No objection was received from County Highways and the proposal is therefore considered acceptable in this regard.

Residential Amenities

The shepherds huts are located approx. 100m from the nearest residential properties. Given the separation distances and the mature boundary treatments the impact on residential amenity will be minimal and acceptable in this regard.

Biodiversity

It should also be noted that there is large degree of cross over between this application and application 21/02106/FUL for the creation of the Biodiversity enhancement pond in the adjoining parcel of land. The current site is an open paddock field bounded by a mature boundary of trees and bushes. The Biodiversity Officer initially requested more information to allow full assessment of the site. This included impact on lighting for foraging Bats along the hedgerows, Great Crested Newts, Door Mice etc., however following the submission of the Preliminary Ecological Assessment and other information the Biodiversity Officer is satisfied with the proposals. Conditions have been recommended relating to any future lighting strategy for the site and for a landscaping management plan for the site.

Conclusion

Officers note that the proposal does not comply with the last criteria of policy SLD6 of the South Leigh Neighbourhood Plan which restricts the uses of farm diversification schemes to Class B, however the development is in general terms consistent with the less restrictive WOLP, NPPF and the other criteria of the SLNP policy which allow for farm diversification schemes. The proposed low level of shepherd huts and the contained nature of the site ensure that the visual impacts are minimal and there are not considered to be any negative impacts by way of amenity, biodiversity or highways. No technical objections have been raised to the application.

In light of this assessment, this proposal is considered to be acceptable and accords with policies OS2, OS4, E2, E4, EH2, EH3, EH8 and T4 of the adopted Local Plan 2031, SLD1, SLD2, SLE7 and elements of SLD6 of the South Leigh Neighbourhood Plan and relevant sections from the NPPF.

6 CONDITIONS

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

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

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

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

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

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

4. The development shall be completed in accordance with the recommendations in Section 5 of the Ecological Impact Assessment, dated 14th September 2021 prepared by Windrush Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats, birds, reptiles, amphibians, hedgehogs and badgers are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

5. Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that light spillage into wildlife corridors will be minimised as much as possible.

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

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. Before occupation, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations), either mounted onto trees, poles, or external walls of the buildings, as well as gaps for hedgehogs within any new fences/walls, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and ensure continued permeability for hedgehogs, as biodiversity enhancement in accordance with paragraphs 174, 179 and 180 of the

National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006

7. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

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

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

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

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

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

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

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with paragraphs 174, 179 and 180 of the NPPF, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR46-2019-1) and with the proposals detailed on plan 'Church Farm Impact Map for Great Crested Newt District Licencing (Version 1)', dated 29th March 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR46-2019-1).

11. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR46-2019-1.

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

12. 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.

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 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).

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Notes to applicant

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).

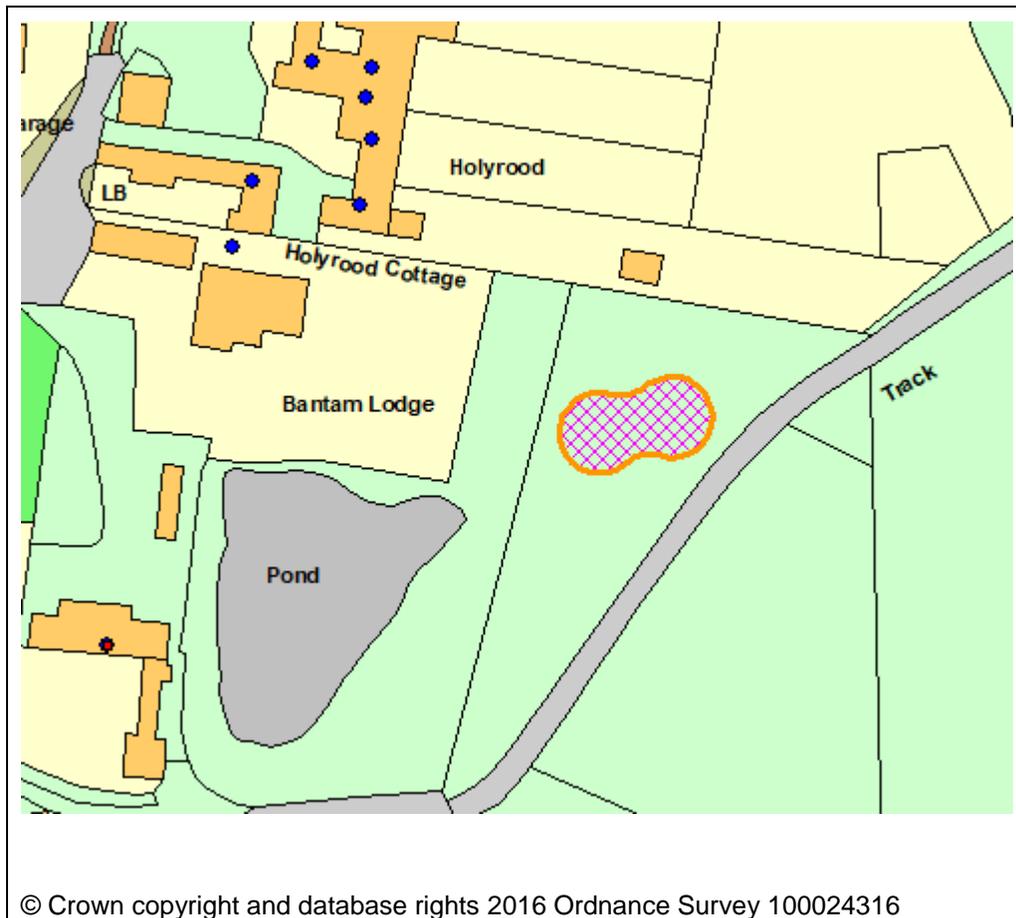
It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 16th March 2022

Application Number	21/02106/FUL
Site Address	Church Farm Church End South Leigh Witney Oxfordshire OX29 6UR
Date	16th March 2022
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	South Leigh Parish Council
Grid Reference	439385 E 208884 N
Committee Date	28th March 2022

Location Map



Application Details:

Construction of pond for ecological enhancement and recreational purposes.

Applicant Details:

Church Farm
Church End
South Leigh
Witney
Oxfordshire
OX29 6UR

I CONSULTATIONS

District Ecologist

BIODIVERSITY OFFICER

I am satisfied with the additional information provided in the "Response to WODC Biodiversity Officer" statement provided by the applicant (26.01.22). This provides further information about the overall pond design, the technical details about how the pond will be constructed and operated, how it will enhance biodiversity (including a list of aquatic plant species), how it will be maintained and managed, and a Construction Method Statement. This includes updated drawings of the pond profile and section. The proposed development must be carried out in accordance with this statement.

The other previously submitted drawings are not relevant and should not form part of the planning permission (particularly the hand drawn ones).

WODC Drainage Engineers

After reviewing submitted additional information we are happy with the additional drainage details.

Parish Council

Policies considered by the Parish Council and applied - E2, E4 and EH2 of the West Oxfordshire local plan and SL1, SL7 and SLD6 of the South Leigh Neighbourhood plan.

Background and Summary of Argument The proposal is for development on a green field site and for use of land to allow the siting of 3 glamping wagons and for tent camping together with the erection of a bike storage shed and the provision of 4 parking spaces. Also involved will be a communal area with campfire and seating area - see 2.11 of the supporting report and connection to a sewage treatment plant - 2.16. "A location away from the farm yard has been chosen" - supporting report 2.5 and it is accepted that it is Class E development - supporting report paragraph 2.7.

The Parish Council accepts that the supporting report refers to the relevant policies, save EH2 and SLD 6, but fails additionally to explain how the planned applications can meet the requirements of E2, EH2, SLE1 and SLD6.

Particulars

E2 - how is this development part of a "core farm/estate business" and how is it "compatible and consistent with the farm estate/operation."

E4 - we accept that E4 could be met - see 3.6 of the supporting report.

EH2 - There will be a clear loss of "intrinsic character" rather than an enhancement of it, the "quality and distinctive" nature of the open fields will be neither "conserved nor enhanced" and there will be the loss of "visual" value. Further the proposed development will cause noise and light pollution and have "an adverse impact" on the "landscape character."

SLE1 The development will not "respect and safeguard the countryside" or "conserve" or enhance "the intrinsic character and beauty of the landscape features" as "the rural landscape and visual setting" "the tranquility and perception of remoteness" and "the "dark skies" will be detrimentally affected. In relation to the last (dark skies) see SLE7 where the proposals would have "a detrimental effect on intrinsically dark landscapes..... local amenity, character of a settlement and wider countryside."

SLD 6 whilst the policy allows for development of the existing rural businesses and allows them to expand and develop, those developments have to be in keeping with, for instance the "form and character of its surroundings" "not significantly adversely affect the amenities" or significantly increase traffic on the rural roads in the parish but more particularly the use must fall within Classes B1, B2 or B3 which this does not. So that this policy is not met in a significant way.

Further and in general The Parish Council argues that it sees no reason why this site (land which has probably been open for many centuries) should be developed.

The Parish Council is concerned with the precedent that will be set for other applications in the Parish which either separately or cumulatively, if granted, would be to reduce the green quality of the immediate surrounding countryside. It would be difficult to say "no" to these other sites, if "yes" is said to this site.

As indicated a green field site has been chosen when an unused farm yard is available, albeit with greater investment - the Parish Council is concerned that areas are built on, abandoned, left to deteriorate and a new business started on a virgin green site.

It is inevitable that a large amount of lighting would be needed - the report underestimates this - as it would not just be on the units and around them but on the way to them - Health and Safety would undoubtedly require, by vehicles (whether formally permitted or not) moving around on the field, next to barbeques and so on such as around the communal area and seating area. The site will need infrastructure, above ground features. All of these will change the rural nature of the site.

There is concern that the depth of this pond could be a danger to children and non-swimmers as being used for leisure with a depth of 2.4 metres could be dangerous.

The glamping wagons and supporting infrastructure for the site appear to be permanent in nature and placed on a green field site. There would appear to be no plan to move them during, say the winter months when not being utilized.

The Parish Council cannot support this application however if the applicant was to submit an application in the area near or on where the barns are situated the Parish Council position might alter as currently the plans submitted breach policies as stated above. Further to this we feel that the proximity of the pond should be in the immediate vicinity of the accommodation as well as we have concerns over the depth of the pond from a safety perspective and would like to see safety measures in place if this was to be granted

2 REPRESENTATIONS

2.1 No representations received

3 APPLICANT'S CASE

3.1 It is submitted that the pond would visually enhance the natural beauty of the area in a manner entirely in sympathy with the landscape generally.

The pond is designed to look as naturalistic as possible.

The pond will assist and support conservation and biodiversity by providing a natural habitat for insects, amphibians and birds which require access to good quality aquatic systems, as well as for a range of native aquatic and semi-aquatic plant species. It will provide a natural habitat for breeding amphibians and wetland invertebrates, as well as providing a source of drinking water to birds and mammals. Species which are commonly seen in and around every swimming pond include newts, dragonflies, damselflies, water boatmen, pond skaters, and various water beetles.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

NPPF 2021

SLE1 South Leigh NP

SLD2 South Leigh NP

SLE2 South Leigh NP

NPPF 2021

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

5 PLANNING ASSESSMENT

5 Background Information

The site is located on the edge of the village of South Leigh and is not in any area of special designated control. The site is part of Church Farm which comprises over 250 acres of farm and woodlands. There is a restricted byway (353/9/10) running along the southern boundary of the site.

The application supports a farm diversification scheme of a small glamping (shepherds huts) on Church Farm which is subject of a separate application (21/01628/FUL) which also appears on the schedule. The application is before Members as the Parish Council object to the proposal and Officers also received a call in from Cllr Haine regarding the positioning of the pond on a separate parcel of land and impact on dark skies.

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

Principle

Siting Design and Form

Biodiversity

Principle

The application site is located on the edge of South Leigh village which is identified as a small village in the settlement hierarchy in the supporting text of Policy OS2 of the Local Plan. In such locations, Policy OS2 states that development will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Appropriate non residential development will include

- Proposals to support the effectiveness of existing businesses and sustainable tourism;
- Development which will make a positive contribution to farm and country estate diversification;

Both Local Plan Policies EH2 and EH3 express support in broad terms for the retention and addition of manmade ponds in the landscape. The proposed construction of a pond is not considered in principle to conflict with the established distinctly rural character and appearance of the area and positively contributes to a farm diversification scheme as noted above, subject to careful consideration of the visual, neighbourly amenity, highways, ecological and drainage impacts of the proposed against the local development plan.

Siting, Design and Form

Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

The proposed pond would be sited at the northern end of the paddock. It has an irregular form generally extending east to west across the site. Officers consider that the siting, design and form of the pond is in keeping with the rural character of the site and would compliment the tourism diversification scheme (shepherd huts) proposed at Church Farm..

Visual and Landscape Impact

The current site characteristics are distinctly rural, comprising an agricultural grass paddock, which Officers consider forms part of the rural setting of the village. Policies EH2 and EH3 detail that manmade ponds are common features within the landscape of the District that should be supported in principle. In this context, the proposed wildlife/recreational pond and associated planting would appear in keeping with the established character of the area and would not result in a domesticating influence on the landscape in this location. Therefore, when viewed in context, the proposal would not adversely affect

the rural and agricultural character of the area. Officers therefore consider that the scheme will result in a positive visual impact and the proposal therefore accords with Policies OS2, OS4 and EH2 of the WOLP and SLD1, SLE2 and SLD2 of the SLNP.

Residential Amenity

Given the nature of the proposed and isolated siting in relation to neighbouring properties, Officers are of the opinion that the proposal would not give rise to any adverse impacts in regards to neighbouring amenity.

Highways

By virtue of the nature of the proposed, Officers consider that no material impact will result upon highway safety or convenience.

Ecology

The supporting text to Local Plan Policy EH3 details that landscape features such as meadows and ponds can be invaluable components of ecological networks. The proposed development has a recreational element, Following consultation with the Biodiversity Officer the scheme is considered to provide an ecological enhancement of the site. The proposal is considered to accord with Policy EH3 of the WOLP and SLE5 of the SLNP and is therefore acceptable.

Conclusion

In light of this assessment, this proposal is acceptable in accordance with policies OS2, OS4, EH2, EH3, EH8 and T4 of the adopted Local Plan 2031, SLD1, SLE2 and SLD2 of the South Leigh Neighbourhood Plan and relevant sections from the NPPF.

6 CONDITIONS

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

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

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

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

3. The development shall be carried out in accordance with the approved drainage details of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

4. The development shall be completed in accordance with the 'Response to WODC Biodiversity Officer 21/02106/FUL - Church Farm, construction of pond' statement (received by email on 26.01.22), including drawings of the pond profile and section, and a Construction Method Statement.

All of the pond construction methods and biodiversity enhancement measures shall be implemented in full according to the specified timescales and drawings, unless otherwise agreed in writing by the local planning authority, and shall thereafter be permanently retained and maintained.

Reason: To ensure that the swimming pond is created and maintained to protect and enhance biodiversity in accordance with Local Plan Policy EH3.

5. No external lighting shall be installed without the prior approval of the Local Planning Authority.

Reason: to protect biodiversity, including bats.

6. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-ORI 12 Version 2) and with the proposals detailed on plan 'Church Farm swimming pond: Impact Plan for great crested newt district licensing (version 1)', dated 12th July 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-ORI 12).

7. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-ORI 12 (Version 2) and in addition in compliance with the following:

- i. Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to adequately mitigate impacts on great crested newts.

INFORMATIVES:-

With regard to the use of the council's great crested newt district licence, the following advice is provided:

- It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
- It is essential to note that any ground investigations, site preparatory works and ground/vegetation clearance works/activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence, but which fail to respect controls equivalent to those in the planning conditions attached to this consent, would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

Notes to applicant

With regard to the use of the council's great crested newt district licence, the following advice is provided:

- It is recommended that the NatureSpace Best Practice Principles are taken into account and

implemented where possible and appropriate.

- It is essential to note that any ground investigations, site preparatory works and ground/vegetation clearance works/activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence, but which fail to respect controls equivalent to those in the planning conditions attached to this consent, would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

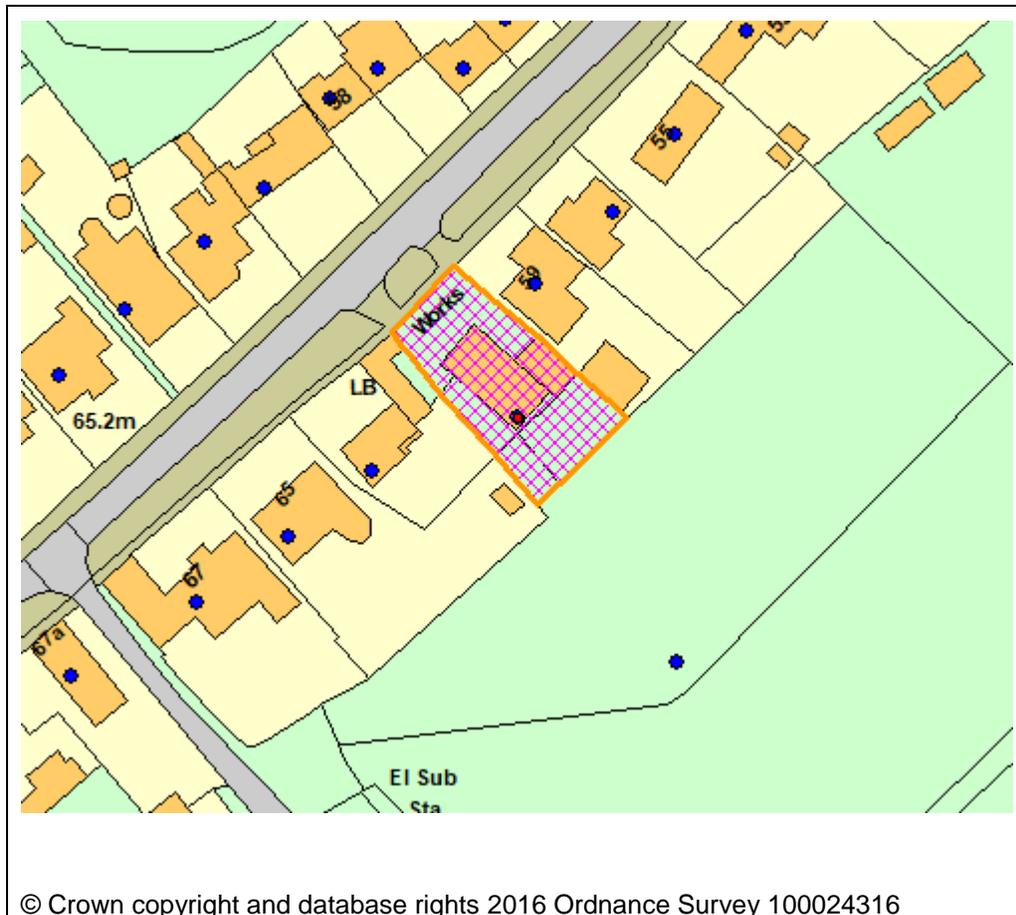
Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 16th March 2022

Application Number	21/02779/FUL
Site Address	61 High Street Standlake Witney Oxfordshire OX29 7RH
Date	16th March 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439586 E 202939 N
Committee Date	28th March 2022

Location Map



Application Details:

Demolition of existing engineering workshop and erection of two detached dwellings with associated parking, private amenity space and landscaping

Applicant Details:

Victorum Developments Ltd
C/o Agent

I CONSULTATIONS

Parish Council

15.09.2021

Standlake PC objects 21/02779/FUL: In spite of changes to the recent withdrawn application the PC objects for the following reasons;

Overdevelopment of the site; the original outline application (approved) was more in keeping with the size of the site.

Not in keeping with adjacent properties or others in the vicinity. Overbearing the adjacent properties - a bungalow and a Grade II listed building.

Drainage - the continued proposal to make these 3 storey properties by excavating below ground level ignores the problems Standlake has with drainage due to a high water table; inevitably this will also have an adverse effect on the already stretched sewage system. Furthermore, there is an approval for 10 dwellings immediately behind this site, and the concern must be that the combination of the two will cause even more problems re drainage and sewage.

Thames Water

19.08.2021

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 Drainage Engineers

31.08.2021

No Objection subject to conditions

OCC Highways

No Comment Received.

WODC Env Health - Lowlands

28.09.2021

I have looked at the above referenced planning application in relation to contaminated land and potential risk to human health. The following report has been submitted with the application.

- Castledine & Co Environmental Consultants Phase I Land Contamination Risk Assessment for Proposed Demolition of Workshop and Erection of 2 dwellings on the site of 61 High Street, Standlake Oxfordshire OX29 7RH. Reference I359G PI Victorium - Standlake. 17/03/2021.

The report details the findings of a desk based study and site walkover. Based on the findings the consultant has recommended that an intrusive investigation and remediation works are completed. In general the findings and conclusions of the report are supported however please find below a number of points for clarification and other items for the applicant to consider.

- Appendix A appears to be missing from the document. Please can this be submitted. - Section 6.19 mentions an area of potentially infilled land (a lake on the map dated 1974). This is not shown on the maps we hold. Hopefully when Appendix A has been submitted we will be able to see the location of the potentially infilled land.
- Section 8.1.2 mentions the potential presence of ground gas. Has the potential for a made ground source on site been considered? - Section 10 recommends further investigation be completed following the demolition of buildings and removal of underground storage tanks. It will also be necessary to remove all fuel distribution infrastructure including pipelines, the interceptor and associated drainage.
- It is agreed that an asbestos survey should be completed prior to demolition.
- It is agreed that verification sampling in the vicinity of all of these potential sources of contamination will be needed.
- Section 11 of the report outlines potential remedial options for the site. It is difficult to comment on these options before the investigation has been completed, the nature and extent of the contamination is understood and the conceptual site model has been refined.

As further investigation is required to assess the potential risks posed to the identified receptors, please consider adding the following condition to any grant of permission.

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any

significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins

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

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

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

District Ecologist

No Comment Received.

WODC Landscape And Forestry Officer

No Comment Received.

Parish Council

No Comment Received.

OCC Highways

03.03.2022

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

Recommendation:

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

2 REPRESENTATIONS

One third party objection relating to:

1. Access;
2. Ground water level;
3. Should not build living accommodation underground as will lead to ground collapse and subsidence; and
4. Loss of light.

Two general third party comments received relating to:

1. High water table;
2. Damage to property while constructing the basement;
3. Flooding;
4. Basement will lead to drainage issues;
5. Drainage scheme is required;
6. Design;
7. Overdevelopment;
8. Basement requires engineers reports; and
9. The previously agreed semi detached planning application was for a total of 6 bedrooms and is much more in line with the land available for development

3 APPLICANT'S CASE

- 3.1 The planning statement submitted with the application is concluded as follows:
- 3.2 The proposed residential use is justified above and under previous application I9/00994/OUT.
- 3.3 The size of the plot is of a sufficient size to enable the development of 2no. detached dwellings.
- 3.4 The proposed development reflects the existing ribbon development along the High Street.
- 3.5 The scale of the development is appropriate within the context of the surroundings and will have no adverse impact on the general character and appearance of the surrounding area.
- 3.6 The plot will be subdivided and a new landscaping will be used to demarcate the boundary of the gardens.
- 3.7 Access to the two dwellings will be via a shared access point directly off of the High Street. Ample parking spaces are provided in accordance with the Oxfordshire County Council parking standards and LP policy T4.
- 3.8 Adequate provision will be made within the curtilage of the dwellings to enable the storage and collection of general waste and recycling.
- 3.9 Improvements to the landscaping on the site will provide opportunities for biodiversity net gain.

4 PLANNING POLICIES

NPPF 2021

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

DESGUI West Oxfordshire Design Guide

EH8 Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to 61 High Street Standlake. The site currently contains a large engineering workshop, attached single storey garage and hardstanding to the front and side of the property. The building was most recently occupied by Johnson's Engineering Ltd, however is currently not in use.
- 5.2 The residential property Glendon (59 High Street) adjoins the site to the north east. The residential property Bracken Cottage adjoins the site to the south west. The site fronts the High Street, with further residential development beyond this. To the south east is an open area of land that has permission for 10 homes (17/00629/FUL, 21/02708/S73 and 21/04126/RES).
- 5.3 Bracken Cottage to the immediate south-west of the site is a Grade II listed building. The open area to the south east is covered by a group Tree Preservation Order ref. 3/17(141.294.). The development site itself is not within any areas of special designation and the site is not a protected employment zone.
- 5.4 There is some history to the site. Application 19/00090/OUT to 'Remove existing engineering workshop and erection of two dwellings' was withdrawn on 05.03.2019 due to residential amenity concerns.
- 5.5 Application 19/00994/OUT for the 'Demolition of existing engineering workshop and erection of a pair of 3 bedroom semi-detached houses' was approved on 30.05.2019.
- 5.6 Application 21/01133/FUL for 'Demolition of existing engineering workshop and erection of two detached dwellings with associated parking, private amenity space and landscaping' was withdrawn on 22.06.2021 due to form, scale, design and amenity concerns.

5.7 The current application has undergone some changes during the assessment period. Notably, being reduced from three storey to two by removing the proposed basements. In addition, the rear elements have been reduced in height and stepped down below the ridge line of the main bulk. The two dwellings are 'flipped' such that the bulk of the built form is now located in the centre of the plot, and not on the edges. The rear fenestration was also reduced to restrict views between the proposed dwellings in this plot and those approved to the rear.

5.8 At the request of officers during the assessment, the Applicant has also provided the following items:

- Arboricultural impact assessment and tree protection scheme to ensure the TPO trees to the rear are protected during construction;
- A Heritage Statement to understand the significance of the Grade II listed building No. 63 High Street as the proposed development site is considered to be within the setting of the listed building; and
- A street scene drawing to show how the proposed dwellings would sit amongst the existing dwellings.

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

Principle of Development;
Siting, Design and Form;
Impact to Designated Heritage Assets;
Highways;
Residential Amenities; and
Other Matters

Principle of Development

5.10 With regard to the principle of development. Standlake is identified as a 'Village' in the settlement hierarchy of the adopted West Oxfordshire Local Plan 2031. The development site is considered to be within the settlement of Standlake. As such, the principle of new homes is acceptable. Notwithstanding this, further assessment in regards to design, siting and form, heritage impacts, highway safety and residential amenity is required, and this is completed below.

Siting, Design and Form

- 5.11 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.12 Policy OS4 requires new development to respect and where possible enhance the character and quality of the surroundings, and contribute to local distinctiveness
- 5.13 The existing building is constructed of reconstituted stone and concrete, with a corrugated metal roof. It has no architectural or historical merit and is clearly functional and utilitarian in

nature. Arguably, the workshop is unsuited for this primarily residential area and reads as somewhat of an oddity in the area. Its removal therefore is not objectionable.

- 5.14 It is proposed to erect two detached dwellings in the plot in a linear (south east to north west) direction in broadly the same location as the existing workshop. However, of note is that the existing workshop has a footprint of approximately 199sqm and the proposed dwellings have a footprint of approximately 77sqm each (total 154sqm). Notwithstanding the height of the new dwellings, the proposed development therefore would result in a reduction of built form on the site.
- 5.15 The south eastern side of the High Street has a strong pattern of detached dwellings that all front the road with parking to the front and gardens to the rear. The proposed dwellings would continue this pattern of development. Indeed, the proposed dwellings would be located in broadly the same location as the existing building.
- 5.16 Moving to the design of the proposed dwellings. These are two storey, in a short 'T' shape. The rear elements, while two storey, are stepped down from the higher ridgelines of the dwellings and include single storey lean to elements. The buildings mirror each other in the plot. The two storey front sections are proposed to be natural stone under a slate tiled roof. The rear is proposed to be render under a slate tiled roof. The views from the street therefore would be high quality natural stone and slate with glimpses of render (however, render is present throughout the area).
- 5.17 Officers acknowledge that the siting, orientation and frontages proposed would be somewhat unique on the streetscene. However, the immediate area is not uniform in nature. There are terraced, semi-detached, and detached dwellings. As well as two storey dwellings, bungalows and dormer bungalows. All of varying designs, and ages with a number of later alterations also present. Further, a wide materials palette is present which further diversifies the character and appearance of the area. Officers are of the opinion that the proposed dwellings would add to this mixture and would not form harmful or incongruous additions in the area. The proposed development therefore accords with Local Plan Policies OS2, OS4, and the design principles contained in the NPPF and the West Oxfordshire Design Guide.

Impact to Designated Heritage Assets

- 5.18 The site is adjacent to a Grade II listed building and the development may affect its setting. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.19 Local Plan Policy EH9 (Historic environment) states 'All development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment.
- 5.20 Local Plan Policy EH11 (Listed Buildings) states 'Proposals for additions or alterations to, or change of use of, a Listed Building (including partial demolition) or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to:

- conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
- respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and
- retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form.

5.21 Section 16 (particularly paragraphs 197, 199, 200 and 202) of the National Planning Policy Framework (NPPF) Conserving and enhancing the historic environment are also applicable.

5.22 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. In this instance, the bulk of the significance of No. 63 lies in its appearance as a modest but well-built early 18th village house which is an example of rural architecture of the period.

5.23 A Heritage Statement was requested by officers to assess the significance of the listed building and how the proposed development could affect this significance by altering its setting. Officers have read this report and agree with its findings. The setting of No. 63 is already affected by the presence of the engineering workshop. As such, its removal and the replacement with a pair of high quality dwellings proposed is considered to have a positive impact on the setting of No. 63. Accordingly, no harm is found to the listed building by virtue of development in its setting and the proposal accords with Section 66(1) of the Act, Section 16 of the NPPF and Policies EH9 and EH11 of the Local Plan.

Highways

5.24 Pedestrian and vehicular access to the site already exists and this will not change. In addition, five parking spaces (in accordance with the Oxfordshire County Council parking standards) and a turning area is proposed. Vehicles can therefore enter and exit the site in a forward gear and as the dwellings are proposed to contain three bedrooms, the number of parking spaces proposed is sufficient to accommodate the vehicular needs of the dwellings.

5.25 The Design and Access Statement notes that two access points are available (one at either side of the site). However, an objector noted that they do not wish to share the access to the north. In addition, the submitted site plan shows the southern access is shared. Nonetheless, both accesses appear to be on highway land and as such can be used by the public. Accordingly, the site has a lawful access. Any grievances regarding this situation is a civil matter and should be explored between the relevant parties.

5.26 The dwellings have a safe and suitable access for all users and sufficient parking spaces are proposed. Furthermore, OCC Highways have not objected to the scheme. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; as well as Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

Residential Amenities

5.27 Concerns have been raised previously regarding the amount of built form proposed at the site and the potential for overbearing, overshadowing and loss of light impacts to neighbours. As a

result, officers have secured a number of reductions and changes to the scheme. While these changes should rightly be noted, it is important to recognise that there is a substantial building on the site already. So any new buildings must be read in accordance with the existing situation.

- 5.28 The existing building is some 5.6m in height (at its highest point), 18m in length, 13m in width and 199sqm in footprint. The proposed dwellings are 13.4m in length, 6.55m in width (14m when combined, including the gap between the pair), 7.3m in height and 77sqm in footprint (154sqm combined). The proposed buildings therefore would cover 23% less area and 4.5m less length. However, the proposed buildings are 1.7m higher (albeit located centrally in the plot) and 1m wider in width when combined. Arguably, there is little difference overall between the existing building and the proposed dwellings and thus changes to the existing amenity situation is negligible overall.
- 5.29 The objector to the north (Glenden) referenced loss of light to their property. The building to the north has a large detached 1.5 storey outbuilding in their garden and the gap between this outbuilding and the rear elevation of the dwelling it serves is just 6.4m. This gap is entirely filled by a 4.3m high flat roof garage of the workshop that nestles against the boundary. Light reaching the rear elevation of Glenden therefore is already significantly compromised by the outbuilding and garage. The two storey element of the dwelling proposed to be nearest to Glenden is 3.3m away from the boundary, a 3.4m reduction in length and only covers half of the gap between the outbuilding and rear elevation of Glenden. It is likely therefore that the removal of the workshop and the erection of two dwellings would actually increase the amount of light reaching the rear elevation of Glenden and would therefore have a positive impact on their living conditions.
- 5.30 Officers note that the proposed dwellings are higher than the existing workshop, however, these are proposed to be erected alongside the side elevation of Glenden with a small overlap of approximately 3m. An overbearing impact therefore is unlikely and when considering the path of the sun, does not change the assessment with regards to an increase of light reaching the rear elevation of Glenden.
- 5.31 As the buildings are proposed to be erected to the north of the neighbours to the south. When considering the path of the sun, loss of light or overshadowing impacts are unlikely to those properties.
- 5.32 No first floor side elevation windows are proposed so loss of privacy to existing neighbours is not a concern. Similarly, the windows on the rear elevation were reduced to lessen views between the occupiers of the proposed dwellings and the new dwellings proposed in the plot to the south. A tree belt also exists that would further restrict views between the proposed dwellings in this plot and those proposed to the south.
- 5.33 The gardens proposed for each dwelling are commensurate with their sizes and will ensure adequate amenity space is provided for each property.
- 5.34 Officers are satisfied, for the reasons outlined, that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition sufficient private external amenity space is proposed for each property.

Other matters

- 5.35 Neighbour concerns were raised regarding the basement level and its impact on flooding, drainage, and the structural integrity of nearby homes. The basement level is now omitted from the scheme.
- 5.36 The site is in flood zone 1 and is therefore at the lowest risk of flooding. However, the Council's Drainage Team was consulted and have raised no objection to the proposal subject to a surface water condition being attached to any permission. This will be applied.
- 5.37 The Council's Environmental Regulatory Services Team were consulted. They highlighted some missing information from the submitted Land Contamination Risk Assessment and requested that pre-commencement conditions be applied securing further investigation of contamination of the site and (if required) a remediation scheme. These will be applied in light of the previous use of the site.
- 5.38 The protected trees to the rear will be protected during construction by conditioning the recommendations of the tree survey.

Conclusion

- 5.39 The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

6 CONDITIONS

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

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

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

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

3. Before the erection of any external wall of the development hereby approved, a schedule of materials (including samples) to be used in the elevations and roofs of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.

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

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

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

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

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

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

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

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

6. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before the first occupation of the development hereby approved 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.

7. The development hereby permitted shall be competed in line with the recommendations in the Arboricultural Impact Assessment and Tree Protection Scheme written by Hearne Arboriculture (Ref JH/AIA/22/07) as received by the Council on 18/02/2022.

REASON: To ensure the trees are protected and retained during construction.

8. Prior to the first occupation of the development hereby approved, a landscape scheme showing hard and soft landscaping (and means of enclosure) shall be submitted to the Council for approval.

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

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings and to enable the planting to begin to become established at the earliest stage practical.

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 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).

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Wall, roof and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy efficient appliances and 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/>

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

Notes to applicant

1. Please note 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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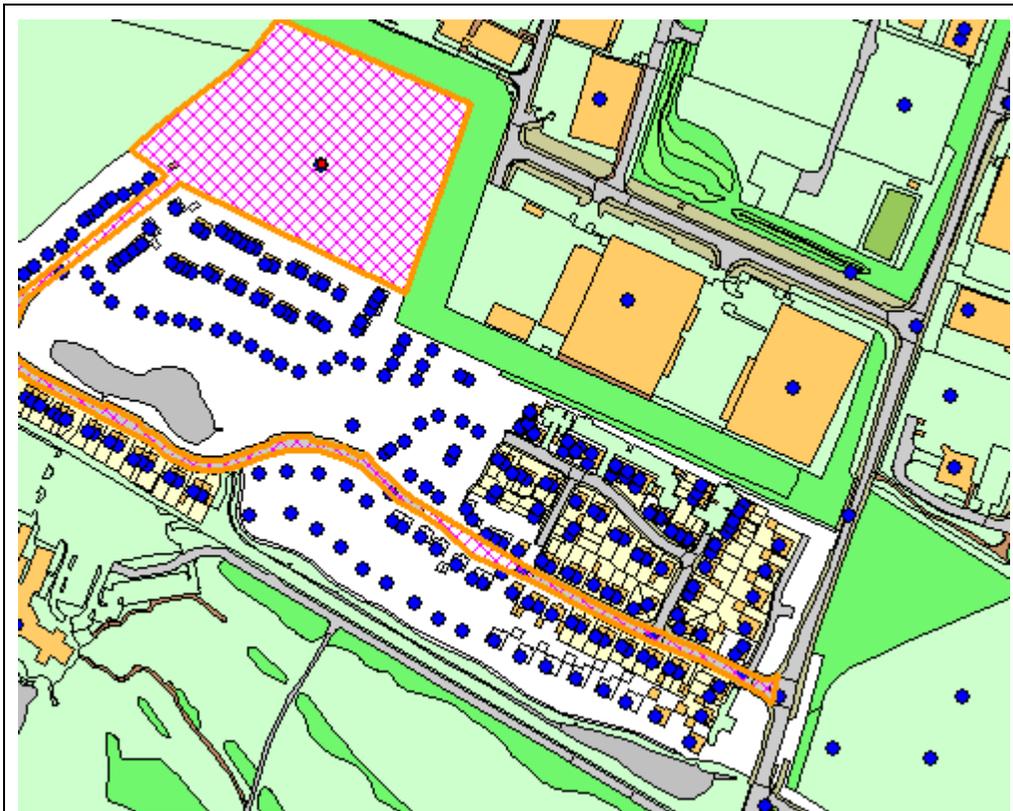
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 16th March 2022

Application Number	21/03342/OUT
Site Address	Land South West Of Downs Road Curbridge Business Park Witney Oxfordshire
Date	16th March 2022
Officer	Abby Fettes
Officer Recommendations	Refuse
Parish	Curbridge Parish Council
Grid Reference	432519 E 210217 N
Committee Date	28th March 2022

Location Map



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Application Details:

Outline planning application for a residential development comprising up to 75 dwellings (with up to 40% affordable housing provision) and public open space. All matters reserved.

Applicant Details:

Crest Nicholson Operations Ltd
C/o Agent

I CONSULTATIONS

Parish Council	Residential use agreed; Density of the number dwellings should not proportionately exceed the density of the current neighbouring development; Possible concern over emergency vehicle access for the number of properties as outline plan only indicated one access road from the neighbouring development; SI06 funds for the Parish Council pro-rata based on the current agreement for the neighbouring development.
Major Planning Applications Team	Highways Object. Not a sustainable location, lack of cycle parking, LLFA No objection Other contributions required towards education and waste management Highways - revised comments 4.3.22 Following further clarification from our strategy team over the active travel infrastructure required from the site (please see attached note) we have lowered the financial contribution to £270,000 (index-linked). With the street lighting and public transport contributions this brings the total financial contribution required to £399,086.40. This has been agreed by the applicant along with conditions for car parking, cycle parking and the travel plan.
District Ecologist	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, available at: Planning application supporting information - West Oxfordshire District Council (westoxon.gov.uk). Currently, details relating to BNG have not been submitted for this application and therefore it is not in line with the above guidance. There are two hedgerows on site, along the northern and eastern boundaries. The ecology report states that H1 would qualify as 'important' under the Hedgerows Regulations 1997. However, the specific hedgerows are not labelled on the habitat mapping and therefore it is unclear whether H1 refers to the northern or eastern hedgerow. This will need to be clarified.

It seems as though the rear gardens of the proposed dwellings would connect directly to the eastern hedgerow and therefore this features will likely become domestic curtilage. However, it is important for the hedgerow boundaries to be retained within the public realm to ensure the features can be sufficiently managed in the long-term. I therefore recommend that a buffer (of 5metres) is created between the rear gardens and eastern hedgerow to ensure this.

WODC Housing Enabler

No Comment Received.

ERS Env. Consultation Sites

Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. The following technical note has been submitted with the application.

- Hydrock, Land at Colwell Green, Witney. Review and Preliminary Assessment. 18323-HYD-xx-zz-TN-GE-1001. 9 August 2021.

The technical note provides a summary of works completed to date and proposes additional works to be completed. The technical note lists a number of documents related to contaminated land that Hydrock have reviewed. Please can these be submitted to the Local Authority to provide context for the proposed works related to contaminated land.

' WSP | Parsons Brinkerhoff. 20th January 2016. 'Land off Downs Road, Witney, Preliminary Geo-environmental and geotechnical assessment report'. Reference 70027972_Witney_ GQRA;

' Hydrock. January 2018. 'Land off Downs Road Witney'. Reference C-06868-C/001 (stockpile analysis);

' Hydrock. April 2018. 'Downs Road Witney ' Desk Study Review and Ground Investigation'. Reference DRW-HYD-ZZ-XX-GI-RP-GE-1001-S2-P2; and

' Fairhurst. August 2020. 'Witney Commercial Area ' Cut and Fill Layout'. Dwg ref. 139555-C-01-P2.

' Pegasus Design. 13/01/21. 'Site at Downs Road Witney ' Illustrative Masterplan Wider Context'. Dwg ref. P20-1309_01

I will not be able to provide comment on the proposed works until the above documents have been viewed.

As further works are proposed and further information is required please consider adding the following condition to any grant of permission.

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

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

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

Reason: To ensure any contamination of the site is identified and appropriately remediated.

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

WODC Env Health - Lowlands

ERS Pollution Consultation No objection in principle to the application. When application for full consent is applied for I will be asking to see good acoustic design for the houses backing onto the Chris Hayter Transport yard to ensure that noise from commercial operations in the yard have minimal impact on future residents. If this is not taken into consideration in the design then a full acoustic report will be required to ensure that either noise will not be an issue or that suitable precautions have been taken to mitigate noise (for example upgraded glazing).

I will also be requiring that a Construction Management Plan is submitted and approved as part of a full application. The plan will include, but not limited to, measures to minimise the impact of construction noise.

Adjacent Parish Council

No Comment Received.

Health And Safety Executive	No objections received
Newt Officer	No Comment Received.
WODC - Arts	No Comment Received.
ERS Air Quality	No Comment Received.
TV Police-Crime Prevention Design Advisor	No objection
Thames Water	<p>"No development shall be occupied until confirmation has been provided that either:- 1. Foul water 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 foul water 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 application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position. Thames Water recognises this catchment is subject to high infiltration flows during certain roundwater 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.</p> <p>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</p>

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"

Local Health Body

No Comment Received.

Sustainability Checklist Officer

The applicant is only proposing to meet current building regulations. We strongly advise them to reconsider energy provision, and commit to achieving our energy targets to minimise carbon emissions and ensure the development is fit for the future

2 REPRESENTATIONS

2.1 Two objections have been received (on behalf of Chris Hayter) as follows:

- -Referring to the above application we write to object to the proposals, based on there being demonstrable commercial interest for this employment site, in turn removing the argument that a change of use to residential is the only viable option.
- -We are agents acting for the adjoining owner occupier Chris Hayter Transport, for whom we have made several approaches to purchase the subject employment site, to support the continued growth of their long-established Witney business.
- -Referring to points 11.2 and 12.1 in the Commercial Marketing statement, our client's final offer is only conditional on obtaining clarity on the nature of spoil deposited on the site by the current owners, as referenced as 'further environmental investigations' within the statement.
- -Referring to the third party ownership of the ransom strip bund, associates of our clients have now purchased the bund, enabling direct access.
- -Given our client's ability to access this site directly from their own land we contest the conclusion that change of use to residential is the most viable option, with all of the points identified under 12.1 negated by this.
- We welcome the opportunity to provide any further clarity required.

I/We object to - Application Number: 21/03342/OUT for the residential development comprising of 75 dwellings for the reasons below.

1. Background

The housing development as originally approved, planning reference 16/01450/OUT was for "Mixed use development comprising; an employment area of up to a maximum of 3,720 sq metres B1(a) offices; a hotel (up to 62 bed); up to a maximum of 257 homes together with public open spaces; landscaping, new access to Downs Road and other associated works." This original planning permission was granted with the stipulation that the development would contribute to the local area by providing form of employment facilities.

The development was initially designed with reserved matters placing the employment facilities at the forefront of the development with access being direct onto Downs Road and, as such, convenient for employees + Public. The development was subsequently revised so that the employment facilities were moved to the rear of the site requiring access to be directed through the residential estate in turn rendering the commercial element undesirable.

2. Demonstrable Commercial Interest

The statements made by the landowner's agents on page I and II of the 'SP Broadway Statement of community involvement' indicates that the landowner has not received commercial offers for the subject land. There is however evidence confirming otherwise with (our) offer letters dating back from 2018 to the present, together with numerous emails to the landowner's agents showing direct interest to purchase the land for commercial use with little to no response from either agent or Landowner.

Our offers to purchase the plot stem from the wish to secure the long-term occupational needs of our Company, in turn meeting our growing customer demand as well as the Council's need to provide further employment to the local area.

Chris Hayter Transport has been based in Witney since the company was first registered in 1964 and has continued to grow since, being a key employer in the local area with 250+ staff in the south and making our Headquarters within the Curbridge Business Park since 2004, the adjoining land is a perfectly suitable location to satisfy both; the Council's need for providing employment land and facilities as well as satisfying the need for commercial growth and direct employment thereafter.

Along with many local companies, we are faced with the reality of there being virtually no available commercial land in already established locations and of suitable size for our needs within Witney and surrounding area.

Whilst we agree with the landowners' agents that there is little need for the consented commercial use as a hotel, there is undoubted industrial and warehouse demand within Witney and, as above, virtually no land available.

Our offers are clear that, subject to planning consent, dealing with any associated environmental concerns and that the acquisition of the land can be obtained with a commercially acceptable figure, we would use the site for B8 storage and distribution use with direct access to the site being made via Curbridge business park; Thereby alleviating the need to use the housing estates road and which also provides a clear separation between the employment site the housing estate.

3. Notice receipt

As stated in the 'SP Broadway Statement of community involvement' page 12 we record that, contrary to the landowner claims that letters of intent to file for change of use were sent to neighbouring businesses around the 23rd December 2020, as a neighbouring business, no such letter was received. Respectfully & howsoever intended we feel we have been kept in the dark of the landowners intentions. Finally, whilst we do not wish for this comment to be misconstrued as bitter or cynical, despite the outlined proposals and with the redesign and roll out of the housing estate, on face value evidence and reports, it is our belief that the landowner has always intended for the site to be full residential use rather than providing for local employment needs as originally envisaged when the application was first approved.

2.2 Two general comments have been received as follows:

In general I support the principle as access to this plot seems impractical for business/industrial purposes. However, parts of Downs Road are unsuitable for additional residential development. In

particular, the stretch of highway and footpath between Wheatfield Drive and Curbridge Park Road narrows dangerously around the crossing point. The footpath is regularly used by parents with young children and pushchairs, and it pushes pedestrians too close to an already narrow highway.

The obvious solution is to cover over the open gully to the east and widen the footpath over the covered gully to match the much more suitable footpaths north and south of this point. Developer contributions should be sought to cover the cost for this.

I support the proposal for residential development rather than commercial, however I object to such a high percentage of affordable homes when Colwell Green already has a high number. The red brick houses are not attractive or appealing.

I also do not agree with Vecots Transport assessment that the site is well connected transport wise - it feels cut off from Witney with no easy or pleasant pedestrian walking routes into the town and bus stops aren't nearby. There needs to be a bus stop outside Colwell Green on Downs Road as many families here don't drive. It would be a good 5 minute walk at least from this proposed site location at the rear of the site to the entrance of Colwell Green on Downs Road, with then further walking into town. I agree with the OCC objection comment that transport links to the site are poor and need improving.

I like that there is open space incorporated in the plan but this area should be enlarged as it looks small. Could allotments also be incorporated into the site for the benefits of residents? It would be nice if West Oxon planning could consider the living experience at Colwell Green and how it fits in with Witney as a whole, rather than just ticking the box for more affordable homes.

3 APPLICANT'S CASE

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

The application site forms a part of the built up area of Witney and is located at the most sustainable settlement within the District. The site already benefits from consent to be developed in the form of office and hotel uses, as secured by an outline planning permission dated September 2017. However, the site is not subject to a formal employment allocation (associated with the 'Main Employment Area') and Reserved Matters approval has not been secured for delivery of this specific element. The site is therefore a 'commitment' that has yet to be realised. No jobs are currently generated by the application site. An extensive marketing campaign, extending over 3 years, coupled with various market research reports have led the Applicant to conclude that an employment and/or hotel user will not come forward to deliver the site for its consented use. There is an evident and healthy supply of employment land in the district and this position has been identified by the Inspector through the Local Plan examination process. The Local Plan Inspector also points to the need to be "...mindful that uses need to be found for premises which are vacant for a lengthy period.". Local policy, in the form of EI, identifies release triggers in respect of alternative uses coming forward on employment land. Earlier sections of this Statement explain how the first of these triggers has been met. National planning policy also identifies the need for efficient and alternative uses of land. Coupled with the unfavourable commercial credentials of the site, on the basis of location, separation, presence and access, there is strong evidence that the site will not come forward for its consented use.

It is therefore appropriate to find an alternative use for the site and the Applicant, having consulted widely and listened to stakeholders, now proposes residential development. This represents a logical extension to the consented housing scheme, of Colwell Green, immediately to the south of the site. Community engagement has demonstrated clear support for the alternative residential form of development now proposed.

A range of technical reports, coupled with the Illustrative Masterplan, demonstrate the ability to deliver a quantum of up to 75 dwellings. A scheme of the nature set out can complement neighbouring development, would not have a detrimental impact on existing uses and can enhance the wider residential environment of the Colwell Green community that is currently establishing itself as a result of reducing commercial traffic movements

The residential proposal duly accords with relevant housing and design-led policies of the local plan. On this basis the application presents a policy-compliant proposal that is technically deliverable and that can be realised through the appropriate employment release mechanism allowed by Policy E1. In turn, this enables efficient use of land within the built up area of the most sustainable settlement within the district.

Notwithstanding the above position, the Council is unable to demonstrate a five year supply of housing. The tilted balance should therefore be applied in the decision making process. The Applicant recognises that a 'loss' of employment will need to be assessed in this process. Nevertheless, there is a strong supply of employment land and an evident lack of appropriate market interest in the application site to deliver the consented employment uses. The site does not currently generate any employment offering and therefore there is significant risk that a site is protected for a use that will not materialise.

Through the balancing process it is important to consider the significant weight that should be afforded to the provision of both affordable and market housing, along with the economic benefits that will be derived as a result of the development of up to 75 dwellings, both in terms of employment and local economic spend.

The Applicant views this proposal as an opportunity to complement and continue the build programme associated with Colwell Green in a consistent manner and therefore the site provides opportunity to quickly realise windfall housing delivery in the form of both affordable and market provision. It is therefore respectfully requested that planning permission is granted.

4 PLANNING POLICIES

E1NEW Land for employment
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
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
E1NEW Land for employment
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
WIT6NE Witney sub-area strategy

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks consent for an additional 75 dwellings (40% affordable) on land at Downs Road, Witney, the former football club site.

5.2 The site is part of a larger scheme that was approved in 2017 under permission 16/01450/OUT which allowed for a mixed use development comprising; an employment area of up to a maximum of 3,720 sq metres B1(a) offices; a hotel (up to 62 bed); up to a maximum of 257 homes together with public open spaces; landscaping, new access to Downs Road and other associated works. This application seeks to build out the employment section as a housing development.

5.3 The application is before Members as it is contrary to local plan policy.

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 A key consideration for this application is the loss of potential employment land which secured planning permission under the original outline application (16/01450/OUT). The applicant is seeking to make the case that the employment element of the original scheme (B1 office/hotel) is not needed in quantitative terms when set against the Council's Local Plan evidence base, is not commercially attractive by virtue of its location, would be unviable and also compares poorly to other available sites. These arguments clearly require very careful consideration, as the creation of a mixed-use scheme including both residential and commercial floorspace was a key factor in the original outline planning permission being secured. Indeed, in the supporting planning statement submitted at the time, the applicant drew specific attention to the following key points:

- -That the hotel accommodation will 'create permanent employment opportunities, complementing existing leisure activities at the Witney Lakes Resort, providing a convenient hotel offering close to a major transport node, providing high quality and convenient hotel facilities serving the needs of Witney and visitors to the nearby Brize Norton RAF base';
- -That the employment element will 'create high quality office space; it will create employment opportunities close to residential accommodation creating significant benefits to the economic wellbeing of the district';
- That 'the proposed mix use scheme is sustainable, it will allow for appropriate growth, making economic, environmental and social progress for this and future generations';
- -That 'the proposed development site is in a sustainable location, upon land that is not fettered by any restrictive land designations, it will bring forward additional open market and affordable housing, a hotel and employment uses in an area that is appropriate and desirable for the growth of Witney; and
- That 'the proposal scores positively against the three dimensions of sustainability as set out within the NPPF (economic, social and environment).

5.6 In further considering this issue, regard must be had to both the NPPF and the West Oxfordshire Local Plan 2031. Paragraph 81 of the NPPF emphasises the importance of planning policies and decisions helping to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 emphasises the importance of:

*Positively and proactively encouraging sustainable economic growth;
Setting criteria or identifying strategic sites to meet anticipated needs;
Seeking to address potential barriers to investment such as inadequate infrastructure, services or housing, or a poor environment; and Being flexible to accommodate needs not anticipated in the plan, allowing for new and flexible working practices and enabling a rapid response to changes in economic circumstances.*

5.7 Paragraph 83 highlights the importance of recognising and addressing the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

5.9 With regards to the West Oxfordshire Local Plan, the most relevant policy in terms of the employment land issue is Policy EI - Land for Employment. Within the Witney sub-area, the policy makes provision for 18ha of employment development land/employment sites including 10ha to be provided as part of the West Witney (North Curbridge) urban extension and 8 ha within the existing employment area around Downs Road through existing commitments and previous Local Plan allocations. It is important to note however that like the indicative housing requirement figure for the Witney sub-area, this does not represent a maximum 'ceiling' to development, with paragraph 6.20 of the Local Plan emphasising the importance of making additional provision over and above existing permissions and previous local plan allocations in order to provide sufficient flexibility.

5.10 It is also important to note the supporting Local Plan text at paragraph 6.27 which is considered to be of direct relevance to the application proposal, stating that 'In the longer term, there may be potential for further business land provision to the west of Downs Road forming a logical extension of the existing adjoining employment areas and also taking advantage of the improved accessibility onto the A40 to be created through the proposed Downs Road/A40 junction'.

5.11 Local Plan Policy EI also deals specifically with the protection of existing employment sites (note that this includes sites with planning permission for employment use, not just sites with existing employment uses on them). The policy identifies four specific criteria against which proposals involving the loss of employment uses will be considered. These can be summarised as follows:

- *It can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes;*
- *That the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment use;*
- *That the proposed alternative use includes complementary and compatible community, leisure or retail uses;*
- *That substantial community benefits would be achieved from the alternative proposed use.*

5.12 As set out by the applicant, the key reasons for submitting this application are as follows:

- The marketing and research undertaken demonstrates that the site is unlikely to come forward for its permitted uses.

- There are commercial constraints which restrict the attractiveness of the site to come forward for office use or a hotel.
- The Council is unable to demonstrate a five-year supply of deliverable housing sites.

5.13 Dealing with the first of these paragraph 6.28 of the Local Plan states that the Council will seek the retention of all employment sites where there is an ongoing prospect of a suitable business use and will support the expansion and redevelopment of sites of an appropriate scale to enable businesses to expand, adapt and make the most efficient use of this resource. Further explanation is provided at paragraph 6.29 which recognises that in some cases, a continuing business use may not be suitable or economically viable. Where the issue is one of viability, the Council will require a robust marketing exercise to demonstrate that the existing permission for the employment uses is commercially unviable and the Council will take into account prevailing economic conditions. It is noted that the applicants have presented a business case in the form of an employment land assessment which states that the site is not required for commercial uses because there is sufficient premises and allocated/ permitted land for office and industrial sectors. It states that there is sufficient existing and potential supply for offices and the site is not attractive or viable as an employment site, with other more attractive sites in the pipeline such as the science park at Salt Cross Garden Village. In addition, a commercial marketing statement has been submitted which sets out the marketing carried out during the period from July 2018 to August 2021. The report identifies constraints that affect the attractiveness of the site including limited access to the site; with this being described as effectively landlocked.

5.14 It is relevant to note of course that a large proportion of the marketing period referred to falls within the pandemic which has heavily constrained demand for office and hotel facilities and therefore this does not represent the longer term economic landscape. If such sites are lost, these will not be available to assist the economy as life returns to a new normal. Notwithstanding the impact of the pandemic, there has been a strong level of interest in this site, with 33 enquiries made during the period referred to and two offers, including one relating to storage and distribution use. This commercial interest appears to be borne out by the representation which has been received to this current application from an adjoining employer who evidently wishes to expand their current operation. Paragraph 8.12 of the applicant's planning statement appears to exclude this offer on the basis that it is conditional upon any necessary site remediation, differs from the currently consented office use and would also require an alternative access to that which is currently consented.

5.15 None of these appear to be insurmountable issues subject to careful consideration of the environmental impacts on nearby residential properties. There is also no obvious reason why a separate application for storage and warehousing cannot be considered, noting that the Council's Economic Development Officer is of the view that there is business demand in Witney and in fact there is a shortage of business land with strong demand locally. This has been demonstrated by recent business development within the vicinity of the application site.

5.16 The supporting text of the Local Plan at paragraph 6.28 refers to the importance of supporting the expansion and redevelopment of sites and enabling businesses to expand, adapt and make efficient use of land. A more proactive and pragmatic response to the clear commercial interest which has been expressed by an adjoining existing employer would be consistent with this objective.

5.17 In light of the above your officers do not consider that the principle of redeveloping away from the allocated and approved employment use has been demonstrated when tested against the first two bullet points advanced by the applicants.

5.18 The third bullet point is an alleged lack of a 5 year housing land supply. The applicant makes the case that the Council can only demonstrate a 4.11 year supply of deliverable housing sites based on the 'Liverpool' approach. However, as set out in its most recent Housing Land Supply Position Statement published in December 2021, the District Council anticipates 5,493 homes coming forward across the District in the period 1st April 2021 - 31st March 2026. This includes a combination of large and small existing planning commitments, local plan allocations and anticipated windfall development. Set against a 5-year requirement of 5,169 homes, this equates to a 5.3 year supply of deliverable housing sites. As such, the District Council does not accept that Footnote 8 and Paragraph 11 of the NPPF are triggered, rather it is considered that the local plan policies should be given full weight and in that the proposal falls counter to the policy for a mixed use development this is to be given full weight.

5.19 There is a secondary point as regards housing land supply that were the site to be built out as housing contrary to the allocation/permission it would essentially be a windfall that would top up the housing land supply. However, in that there is demand for the site for its allocated purpose from a local established employer it is not considered that the disbenefits of the economic and policy harms are outweighed by the boosting of the supply. As such this is not, with a recently demonstrated positive land supply position and a more than adequate Housing Delivery Test result, considered to be warranted on the basis of the current evidence.

5.20 Taking all the above into account the scheme is considered contrary to policy and that there are not sufficient material considerations to justify setting policy aside. It is considered unacceptable in principle,

Siting, Design and Form

5.21 The application is in outline with all matters reserved for future consideration. However, the illustrative plan is broadly acceptable in terms of design, although there are some concerns that would need to be overcome regarding connections to existing uses, cycle parking, domination of streetscenes with car parking, the creation of a 9.8 m noise barrier to safeguard residential amenity from the existing commercial uses (which raises the query as to whether it really is suitable for residential use) potential light spill, lack of detail as to impact on existing vegetation, lack of clarity on Biodiversity Net Gain etc. However these matters are potentially capable of being resolved through the detailed assessment of any reserved matters application- albeit that it may require a reduction in numbers in order to ensure that the scheme was not overly constrained by a commitment to a specific number. This would need to be reflected in the conditions/ description were consent to be given.

Highways

5.22 OCC Highways initially raised objections to the excessive level of car parking provided and the lack of cycle parking but as this is an outline application these are not considered determinative at this stage. They have also requested contributions towards the footpath to the east that connects the scheme to the network of footpaths accessing Witney town centre.

5.23 Further information was received from the applicant and the County have now removed their objection:

Following further clarification from our strategy team over the active travel infrastructure required from the site we have lowered the financial contribution to £270,000 (index-linked). With the street lighting and public transport contributions this brings the total financial contribution required to £399,086.40. This has been agreed by the applicant along with conditions for car parking, cycle parking and the travel plan.

Residential Amenities

5.23 No objection has been received from the Environmental Health team but it would require further details at reserved matters to protect the proposed dwellings from noise from adjacent sites- potentially including a very high noise barrier.

Drainage and contamination

5.24 It will be noted that neither Thames Water, OCC as the Local Lead Flood Authority or Environmental protection are raising objections subject to conditions being imposed to secure satisfactory details.

Section 106 matters

5.25 The scheme is proposing 40% affordable housing in accordance with the local plan requirement which would need to be secured by S106. Further contributions toward infrastructure are also sought by the PC and OCC. In the absence of a signed 106 there is no mechanism for these to be delivered and this forms the basis of the second refusal reason.

Conclusion

5.26 This is a case where the site was proposed and is approved for employment purposes. There is an operator who is willing to use it for the stated purpose and the development of nearby land coupled with the advice of the Council's Business Development Officer clearly indicates strong demand for employment use. The site is however worth more as a housing site and the applicants have sought to advance the argument that it should come forward for housing. It is not considered that the case has been proven and as such there is a policy based objection in principle. Additionally there is no 106 agreement to ensure mitigation of the impacts of the development.

Additional concerns have been raised but as this is an outline application it is considered that these are capable of being overcome at reserved matters stage- albeit potentially at the cost of the extent of housing development that can be brought forward.

Officers are therefore recommending refusal of the proposal on the following grounds.

6 REASONS FOR REFUSAL

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the site is not required for its allocated and approved purpose as employment land and insufficient material considerations have been advanced or demonstrated that would justify setting aside policy in order to allow residential redevelopment. As such the proposal is contrary in particular to policies EI and paragraphs 9.2.62 to 9.2.64 of the adopted West Oxfordshire Local Plan 2031 and paragraphs 81-83 of the NPPF 2021.

2. The applicant has not entered into a legal agreement to secure a contributions to offset the burden on local infrastructure that would otherwise result from the proposed development and meet the affordable housing requirement. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy OS5 and the NPPF.

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