

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 10th October 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.

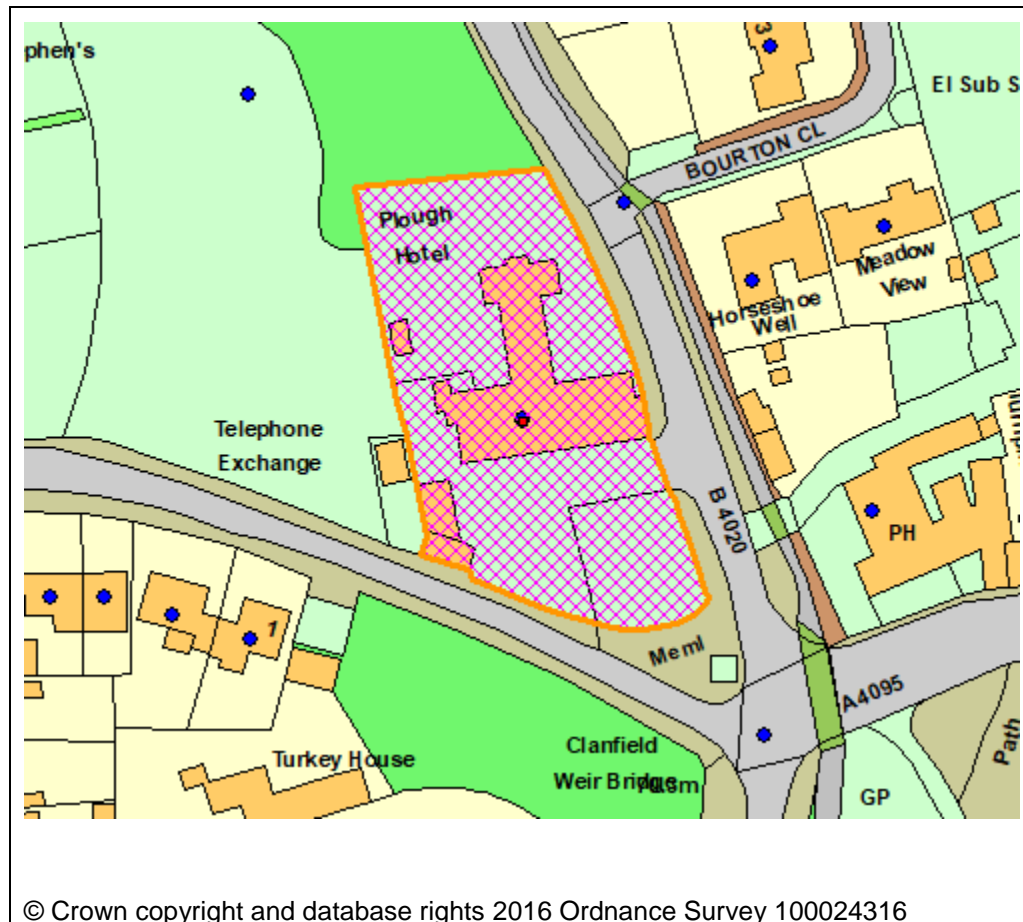
Please note that:

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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
13 - 21	21/01213/FUL	Plough Inn Black Bourton Road	Elloise Street
22 - 34	22/01069/FUL	29 Mercury Close Bampton	Esther Hill
35 - 53	22/01434/FUL	The Horse And Radish Burford Road	David Ditchett
54 - 64	22/01593/FUL	Kilkenny Lane Country Park Elmhurst Way	Elloise Street
65 - 79	22/01674/FUL	Oakwood Place Lew Road	David Ditchett
80 - 83	22/01835/LBC	35 - 37 Woodgreen Witney	Tara Hayek
84 - 93	22/01881/S73	Church Farm Church End	Elloise Street

Application Number	21/01213/FUL
Site Address	Plough Inn Black Bourton Road Clanfield Bampton Oxfordshire OX18 2RB
Date	28th September 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Clanfield Parish Council
Grid Reference	428458 E 202072 N
Committee Date	10th October 2022

### Location Map



### Application Details:

Erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure (part retrospective).

**Applicant Details:**  
Ms Georgie Pearman  
Plough Inn  
Black Bourton Road  
Clanfield  
Bampton  
Oxfordshire  
OX18 2RB

## **I CONSULTATIONS**

Conservation Officer

Generally all okay now

Parish Council

**CLANFIELD PARISH COUNCIL - OBJECTION/COMMENTS**  
CONCERNING Planning Application 21/01213/FUL Erection of  
timber shed and bin enclosure - Amended Plans.

Clanfield Parish Council wishes to **OBJECT** to this application and submits the following comments in justification of their position:

Comment re Design and Layout/ Neighbourliness

The Design and Access Statement states 'the proposal is sympathetic to the existing building and surroundings and provides an opportunity to improve the local amenity'. This is simply untrue.

The area under consideration for further development/ retrospective planning is visible at the front of the Grade 2 listed Double Red Duke, and during winter months when the trees lose leaf, it will also be directly visible and in close proximity to the Grade 1 listed 12th Century Church. The area should be tidied and made presentable to a standard befitting that of Grade 1 and 2 listed buildings, and in respect to the village on the whole which is clearly cared for and maintained with passion at a community level through the hard work of local volunteers - it should not be re-landscaped to house more literal rubbish (which will no doubt continue to spill over in to the adjacent land). Should this application be approved, in the very least there should be sympathetically designed screening along the western boundary of the DRD (between itself and the church grounds), comprising materials suitable to the historic nature of both buildings with consideration to the immediate biodiversity (perhaps hazel hurdles or similar), and the current collapsing plank fence should be removed.

In specific regard to the proposed 'shed', the application states 'the shed has nominal impact on the heritage area'. In it's current proposed form this is not true, especially in regard to the proposed roofing material being of blue slate. Blue slate is not a locally common roofing material and it certainly does not gel with the original cardinal slate roof of the Grade 2 listed Elizabethan Double Red Duke - if this

application should be passed it should stipulate that roofing materials should endeavour to match that of the original building, and should not be slate/ felt or any other material.

#### Comment re Highways

The application form submitted indicates that this development has increased car parking capacity from 10 spaces to 12. This is not true, in fact car parking capacity was significantly reduced when West Oxfordshire Planning Department approved the change of use and conversion of outbuildings to guest bedrooms. This has led to a distressing and unsafe situation on the roads around the Double Red Duke (The Plough) - as WODC, The Police, District Councillors, County Councillors, and MP Courts have themselves been notified of directly as well as witnessed during the various meetings they have attended with the Parish Council.

The hotel now has 19 bedrooms and provides no car parking spaces for its staff, and an unsuitably low number for its guests. As a result, both staff and clients use the village roads to park, in most cases park with little consideration for residents or the safety of other road users. It is of the Parish Councils view that this development should be refused as the space would be better used as additional parking capacity as that is required more urgently.

In conclusion, please refuse this application in its current form

## **2 REPRESENTATIONS**

2.1 There have been 8 comments of objection from 3rd party consultees to which their comments have been summarised as per below:

- Development degrades the Grade II listed building
- Incongruous addition
- Insufficient parking and would block access which could be used for additional parking
- Current timber fencing is very rough and does not go
- Concerns with inaccurate car parking provision
- Development can be seen from Grade I listed church
- Rear of the site could be used for parking

## **3 APPLICANT'S CASE**

3.1 The Design and Access Statement is concluded as follows with the full statement on the Council's website:

The proposal has considered its surroundings and believe the impact on the heritage area is nominal.

The proposal is sympathetic to the existing building and its surroundings and will provide an opportunity to improve the local amenity.

The proposal will also restore an important historical building and provide a sustainable business and employment for the local area.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH11 Listed Buildings

EH9 Historic environment

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background information**

5.1 The application seeks full planning permission for the erection of timber shed to be used as an office, Indian sandstone pathway and vertical boarded bin store enclosure (part retrospective) at Double Red Duke, Black Bourton Road, Clanfield, Bampton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the Parish Council have objected to the proposed works.

5.3 The application site relates to a Grade II Listed building currently being used as a public house and guest accommodation within the residential area of Clanfield.

5.4 The main considerations of this application are the impact of the proposed development on the listed building along with the visual amenity and the impact on the proposed development on the residential amenity.

##### **5.5 Relevant planning history**

- 20/01003/FUL - Erection of single storey rear extensions. - Approved
- 20/01004/LBC - Erection of single storey rear extensions. – Approved
- 20/01809/FUL - Replace existing outbuildings with 6 bedroomed unit for use ancillary to the public house. Associated landscaping works. (Amended Plans) – Approved
- 20/01810/LBC - Replace existing outbuildings with 6 bedroom unit for use ancillary to the public house. (Amended Plans) – Approved
- 20/02937/S73 - Variation of condition 3 (materials) and removal of condition 4 (window, door and cladding details) of planning permission 20/01003/FUL and Listed Building consent 20/01004/LBC – Approved
- 20/03005/ADV - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) – Refused
- 20/03006/LBC - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) – Refused
- 21/00698/FUL - Paving to front area, with landscaping and lighting to carpark and pathways – Approved

- 21/01305/LBC - Exterior alterations to include paving to front area, with landscaping and lighting to carpark and pathways and the addition of a new gate access – Approved
- 21/02568/S73 - Variation of condition 2 of planning permission 20/01809/FUL to allow use of attic space over bedroom 1 to accommodate separate bath and shower room, new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). – Approved
- 21/02569/LBC - Variation of condition 2 of listed building consent 20/01810/LBC to allow use of attic space over bedroom 1 to accommodate separate bath and shower room, new stairs, insertion of additional first floor and ground floor windows, inclusion of M and E riser rear cupboard (Retrospective). – Approved
- 22/01332/FUL - Construction of external bar. (Retrospective). - Refused

There have been two recent appeals on this site as detailed below:

- APP/D3125/Z/21/3274959 - Installation of replacement hanging sign externally illuminated together with an internally illuminated menu case affixed to the main entrance. (Part Retrospective) - 20/03005/ADV
- APP/D3125/Y/21/3274941 - External alterations to install replacement externally illuminated hanging sign and an internally illuminated menu case together with a non-illuminated name sign both affixed to the main entrance. (Part Retrospective) - 20/03006/LBC

The two appeal decisions are linked to each other and the inspector made a split decision on the application in which the hanging sign was refused advertisement consent and listed building consent but the menu case and name sign were allowed.

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

- Principle
- Design
- Impact on the listed building
- Impact on visual amenity of the street scene
- Residential Amenity

### **Principle**

5.7 Local Plan Policy E1 states within existing employment sites "Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."

5.8 It is important to consider that whilst the established use of this business is a public house and guest accommodation and this would normally fall within Local Plan Policy E4 Sustainable Tourism this proposal is for elements in which the general public would not use but benefit from the screening and is for the use of the employees.

5.9 Your Officers consider that the erection of timber shed to be used as an office, Indian sandstone pathway and vertical boarded bin store enclosure does fall within the bounds of the policy in which it would improve the effectiveness of employment due to having a specific office for employees as well as a formal area for the bins for effective disposal of any waste from the restaurant.

5.10 The principle of the public house has already been set in previous applications and with this being a supplementary scheme to the wider development. Your officers have considered that the development is compliant with the principle of existing employment use. There will however need to be further assessment with regards to the impact on the listed building, and the design and siting along with residential and visual amenity.

## **Design & Siting**

- 5.11 Proposed is the erection of a timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure. It is important to understand that this is a part retrospective application in which the Indian sandstone pathway and the office are already in place. The bin store enclosure is also in place with waney edged boarding and the office has also not been finished as it is due to be covered with vertical cladding.
- 5.12 The bin store enclosure, the office and Indian sandstone is located to the west of the host building of the Double Red Duke. The bin enclosure accommodates enough space for 13 bins and is to the north of the converted building which is being used for bedrooms. The bin enclosure is to be constructed from untreated (90mm x 40mm) vertical Siberian Larch profiled batten cladding to match the existing annexe and is to be 1.8m the whole length until reaching the office. The bin store is to have one concealed set of double doors.
- 5.13 The office is sited on the existing concrete slab which previously sited 2 redundant gas tanks. It is 2.4m in width and 3.5m in length and is also to be covered with the vertical Siberian larch profiled batten cladding and is to be 2m in height and is to have blue slate for the roof. The shed is to have a set of double doors concealed in the cladding and two small windows facing North into the existing open space of the Double Red Duke.
- 5.14 The area from the new annexe to the shed which approximates 15m by 4m has been landscaped with Indian sandstone.
- 5.15 Officers have considered that the bin enclosure is sited in the most logical positing within the site due to being opposite the kitchen. The office could be sited within the main building, however your Officers consider that whilst this location is not the preference, the applicants have designed the scheme in a way in which it is disguised well and is to continue on with the vertical larch cladding and not stand out and be incongruous. While the scheme as a whole would be better suited to be constructed from natural materials rather than the vertical cladding. Officers have deemed that the vertical cladding is a logical addition due to the cladding on the outbuilding. Paragraph 11(c) of the NPPF is clear that the LPA should be 'approving development proposals that accord with an up-to-date development plan without delay'. As the proposed scheme is considered to accord with the development plan, while improvements could be made, the LPA could not insist upon it.
- 5.16 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.



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

- 5.17 The office building is not visible from the streetscene and therefore does not give rise to any adverse impacts in regards to visual amenity. The vertical cladding for the enclosed bin store and the Indian sandstone landscaping is visible from the streetscene, however your officers consider the impacts to the visual amenity to be minimal and acceptable and in keeping with the wider streetscene. It is important to consider that the bin enclosure is adjoining the recently completed annexe in which is covered with vertical Siberian Larch profiled batten cladding, therefore with the current bin enclosure being covered with waney edge boarding your officers have considered that the newly proposed vertical cladding is a logical complement and addition compared to the unapproved waney edge boarding.

### **Impact on the Listed Building**

- 5.18 It is important to consider that the proposed development is adjacent to the Grade II listed building of the Double Red Duke, formerly known as the Plough. Officers are required to take account of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Policy EH11 also states "Proposals for additions or alterations to, or change of use of, a Listed Building 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 buildings fabric, detailed features, appearance or character and setting as well as 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. It is also important for your Officers to take regard to the section 7 of the West Oxfordshire Design Guide which also emphasises that the character, fabric and history of the building should be understood as fully as possible.
- 5.19 With regard to the impact on the listed building, the erection of timber shed to be used as an office, Indian sandstone pathway and vertical boarded bin store enclosure is not considered to obscure the historical architecture of the existing listed building. The location of the bin store and office is located to the west of the main listed building in which the most historical element is to the front elevation and the element adjacent to the bin store and office is of a C20 nature and is opposite a previously approved waney edge cladding. In light of this, your Officers have considered that due to the siting of the bin store that this would not be obscuring any special or historical feature of the listed building. Officers note that whilst the vertical larch cladding would not be the main material of choice. At this moment as this is a part retrospective application currently in place is a waney edged horizontal cladding. Therefore your Officers have considered that as the bin store is adjacent to the recently converted annexe with vertical larch cladding that to keep consistency with the buildings it was appropriate to continue the vertical larch throughout. The proposed development would respect and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policy EH11 of the Local Plan.

## **Residential amenity**

- 5.20 Given the nature of the erection of timber shed to be used as an office, indian sandstone pathway and vertical boarded bin store enclosure your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy. The timber shed for the Office is sited a suitable distance away from any bedrooms for the guest house and also away from any neighbouring properties in which there are no concerns with overlooking or loss of privacy. The bin enclosure has also been considered to be an appropriate height at around 1.8m which is standard fence height and does not give rise to any loss of light to neighbouring properties.
- 5.21 Additionally, no objections have been received from neighbours with no neighbouring amenity concerns of the proposed additions.

## **Other Matters**

- 5.22 Your Officers would like to note that the waney edged boarding shown on elevations A and elevations C have already been approved within application 20/02937/S73 and are therefore not a consideration during this application.
- 5.23 Clanfield Parish Council have objected to the proposed scheme for two reasons, one being the design and layout/neighbourliness and the other with regards to highways. The Parish have detailed their concerns with regards to the development not being sympathetic to the existing buildings and surroundings and that the proposed can be seen from the front of the Double Red Duke and from the Grade I listed church. Officers have already expressed their views within the section regarding the impact on the listed building. Whilst your Officers sympathise with their concerns it has been considered that as the siting of the bin store is in a location in which is to minimise the impact on the listed building whilst still serving a purpose. The parish also detailed concerns with the views from the Grade I listed church and the potential of a screening fence, however your officers visited on site and deemed even during the winter months that there will be minimal views of the proposed scheme. Their concerns with regards to rubbish spilling onto adjacent land is not a planning matter during this application and would be subject to further enforcement action as there are current enforcement cases still open.
- 5.24 The Parish also have concerns with the proposed shed detail with regards to the roofing material as they believe the blue slate is not a locally common roofing material, however your Officers note that the newly converted outbuildings have also been roofed with the blue slate and therefore is going to have consistency between the two buildings and whilst not the material of preference is still appropriate in this location.
- 5.25 Your Officers understand the Parish concerns with regards to the parking provision and that they state that proposed development has increased car parking capacity, however this has not been submitted during any element of this planning application. Regardless of this, your Officers understand their concerns but the wider scheme of development has already been approved and in place with the parking provision as is. Officers sympathise with the highway concerns however not a main consideration for this application is nor can be a deemed an appropriate reason to warrant a refusal for the application. It is also important to consider their comment that the space would be better used as additional parking capacity. However when onsite your case officer has understood

that there would not be sufficient space to park cars in this location if the bin store and office was removed and the access to the space would not be appropriate for vehicles.

5.26 Due to this application being a part-retrospective application Officers have deemed a condition for the waney edged boarded elements to be removed within 6 months of the decision date and the vertical larch cladding to be completed by 12 months to meet the 6 tests for conditions.

## **Conclusion**

5.27 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, EH9, EH11 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS**

1. 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.

2. The unauthorised waney edged boarding on the eastern elevation of the bin store shall be removed in its entirety within 6 months of the decision date of this notice.

REASON: To safeguard the character and appearance of the area and to regularise the unauthorised works in a timely manner.

3. A sample of the vertical larch cladding to be used on elevations A, B and C shown on plan number I20-G21 Rev F shall be submitted to the Local Planning Authority for approval within 12 months of the date of the decision. The development shall be constructed in the approved materials and retained as such thereafter.

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

4. The materials as approved by condition 3 shall be fully installed on elevations A, B and C shown on plan I20-G27 Rev F (office and bin store elevations) within 18 months of the date of this decision.

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, to safeguard the character and appearance of the area and to regularise the unauthorised works in a timely manner.

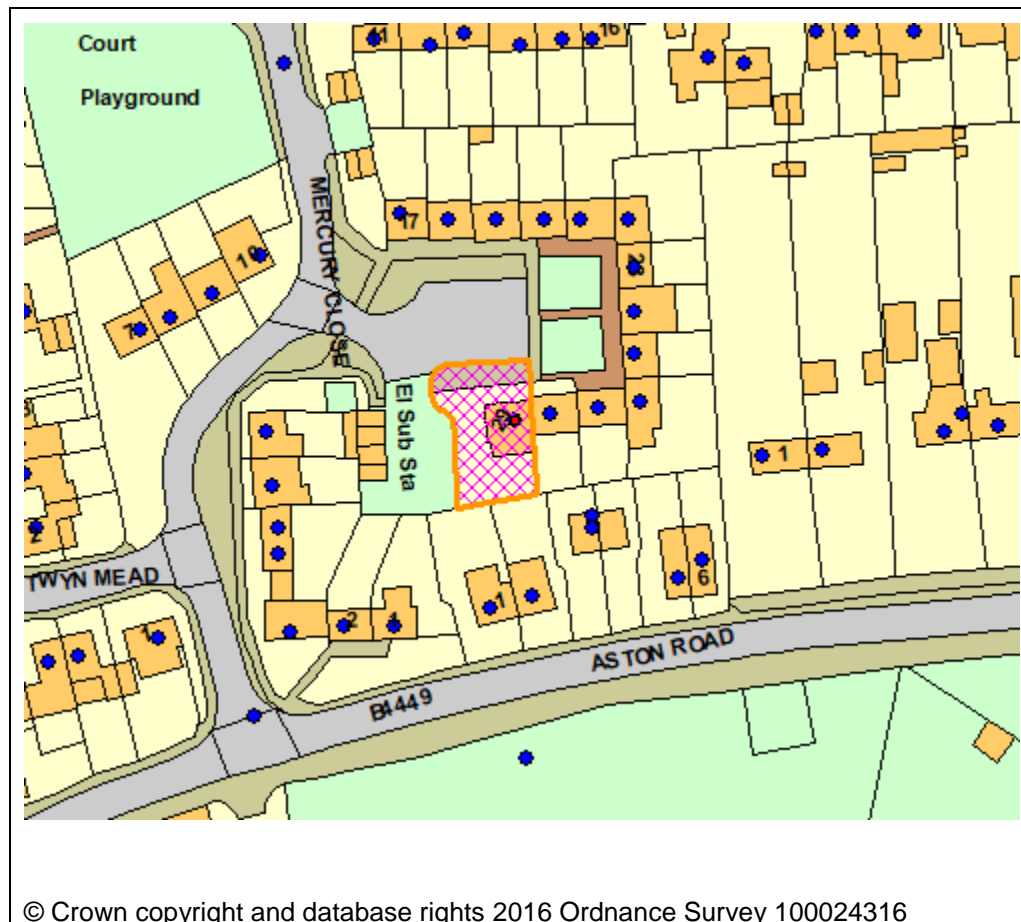
**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 28th September 2022

Application Number	22/01069/FUL
Site Address	29 Mercury Close Bampton Oxfordshire OX18 2AH
Date	28th September 2022
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432038 E 203308 N
Committee Date	10th October 2022

### Location Map



### Application Details:

Erection of an attached dwelling with off street parking and associated ancillary works. Alterations to the existing dwelling including two storey and single storey extensions.

**Applicant Details:**

Mr Nick Shepherd  
29 Mercury Close  
Bampton  
Oxfordshire  
OX18 2AH

**I CONSULTATIONS**

Parish Council	13.06.2022- OBJECTION (vote with zero in favour) We don't believe there is sufficient parking for the 2 properties and this will adversely affect residents.
Parish Council	15.07.2022- OBJECTION We are aware of the covenants on this property and in addition the parking is already problematic. Even with the additional two parking spaces there are still concerns for the Parish Council. In light of the considerable number of newbuilds in Bampton, the Parish Council cannot see any appreciable benefit to the village.
OCC Highways	No Comment Received.
OCC Highways	25.07.2022- 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 amended plans
WODC Drainage Engineers	If full planning permission is granted, could you please request the following condition:-  That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40%

CC event has been submitted to and approved in writing by the Local Planning Authority.

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

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

OCC Highways

13.06.2022-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

15.06.2022 My recommendation refers to option 1.

Option 2 shows a proposed parking space marked ' 29 MC parking 1 ' on the highway and a footway realignment. The proposal would require a 'stopping up' order. The ' no objection ' recommendation does not refer to option 2

Conservation Officer

No Comment Received.

WODC Env Health - Lowlands

Mr ERS Pollution Consultation No objection in principle.

Newt Officer

No Comment Received.

## **2 REPRESENTATIONS**

2.1 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:

- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
- Design will not be in keeping with neighbouring dwellings
- Highway related issues, given existing traffic, access and parking problems.
- Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
- Land Ownership inaccuracies
- Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
- Boundary line inaccuracies regarding parking spaces.
- Loss of the trees and its impact on global warming. Details of replacement trees should be provided.

## **3 APPLICANT'S CASE**

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website. The statement has been summarised below:

The applicant seeks planning permission for an attached dwelling, next to 29 Mercury Close, Bampton. The proposed scheme takes into account the form, scale, mass and overall design of other dwellings nearby, and is designed to be sympathetic to the established pattern. The proposed dwelling is intended to blend with and to complement the established housing character in this part of Bampton. Local planning policies see proposals for new dwellings in Bampton as highly sustainable, any issues relate not therefore to the principle, but to the details of this scheme.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH7 Flood risk

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## 5 PLANNING ASSESSMENT

### Background Information and Proposed Development

- 5.1 This application seeks planning permission for the erection of an attached dwelling with off street parking, associated ancillary works and alterations to the existing dwelling including two storey and single storey extensions at 29 Mercury Close, Bampton.
- 5.2 The application site relates to an end of terrace property, which forms part of the horseshoe shaped Mercury Close, situated within a residential area of Bampton. The site does not fall within any areas of special designated control and therefore the main considerations of this application are its principle and the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.
- 5.3 Members will recall that this application was deferred at the August committee to enable a formal Members' site visit.
- 5.4 Relevant Planning History  
*15/03504/HHD- Erection of single storey and two storey extensions.- Approved.*  
The above approval included two storey and single storey extensions, including a new porch, all are of which are comparable in design to that of the proposed dwelling and extensions. Some form of residential development in this location has therefore already been considered to be acceptable.
- 5.5 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Parish Council.
- 5.6 Amended drawings have been received as part of this application following your officers concerns with design. The description of development has also been amended. Following the description and design changes, the application was re advertised and consultees were re consulted.

### Proposed Development

- 5.7 The scheme proposes a new attached two bedroom dwelling, associated ancillary works and alterations and a two storey, single storey and porch extension to 29 Mercury Close, Bampton.



5.8 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
- Scale Siting and Design
- Residential Amenity
- Highways
- Drainage
- Ecology

## **Officers Assessment**

### **Principle**

5.9 The application site sits within Bampton which is identified under West Oxfordshire Local Plan Policy OS2 as a Rural Service Centre where new dwellings can be permitted where they are of a proportionate and appropriate scale to its context, having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.

5.10 Policy H2 of the WODC Local Plan 2031 states that new dwellings will be permitted within the rural service centres on undeveloped and previously developed land within the built up area, provided the loss of any existing use would not conflict with other plan policies and that the proposal is in accordance with the other policies in the plan, in particular the general principles in Policy OS2.

5.11 The proposed development is for an extension and subdivision to create an additional dwelling and as such Local Plan Policy H6 is also relevant. Policy H6 states that alterations, extensions or subdivision of existing dwellings should respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.

5.12 On this basis, the proposal is supported by Local Plan Policies OS2, H2 and H6 provided the proposal complies with the general principles set out in Policy OS2. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies, guidance and legislation in the relevant sections below:

### **Scale, Siting and Design**

5.13 The proposed two bedroom dwelling is to be attached to the western elevation of no.29, it is of a dual pitched roof design with a cross gable element that extends out to the rear. The proposed dwelling has an open plan ground floor layout with an entrance hall and WC, the first floor has a double bedroom, a single bedroom and a bathroom. In terms of proposed openings, the proposed dwelling has a front door, two ground floor windows and two first floor windows on its northern elevation, sliding patio doors, a ground floor window and two first floor windows on its southern elevation and two ground floor windows and a first floor window on its western elevation. The proposed materials are to match that of the existing dwelling no. 29 Mercury Close and they are therefore considered to be acceptable. The proposed dwelling is to be set back from the front elevation of no. 29 Mercury close, to allow for an additional parking space serving no.29 and a pedestrian access serving the proposed dwelling.

- 5.14 Your officers consider that the design and scale of the proposed dwelling would be appropriate and in keeping with the character of the area and is therefore acceptable in terms of design and scale.
- 5.15 A number of alterations are proposed to the existing dwelling no. 29 Mercury Close, including the demolition of an existing rear extension, the subdivision of its residential curtilage, a two storey and single storey rear extension and a new entrance porch. The proposed two storey extension is to be sited on the western side of the host dwellings rear elevation, it is of a cross gable roof design extending out to the rear and has a first floor window and sliding doors at ground floor level on its southern elevation. The proposed single storey extension is to be sited on the eastern side of the rear elevation and is of a mono pitched roof design with two roof lights and sliding doors on its southern elevation. A new entrance porch is also proposed on the northern elevation of the host dwelling, it is of a mono pitched roof design, with two windows on its northern elevation and the front door on its western elevation. The proposed materials are to match that of the host dwelling.
- 5.16 Given the scale of the proposed single storey extension and porch and that the proposed two storey extension is set down below the ridge height of the host dwelling, your officers consider that they will appear as secondary and subservient additions to the dwelling. Therefore, your officers consider that the proposed extensions and alterations to no. 29 Mercury Close are acceptable in terms of scale and design.
- 5.17 Laylandi trees which boarder the front of the property are to be removed and replaced with a box hedge. Given that the existing trees forward of the footpath are to be retained and that new hedging is proposed, your officers consider that the removal of the Laylandi trees would be acceptable in terms of impact on visual amenity.
- 5.18 The proposed dwelling and porch would be visible on the street scene. However, your officers consider that given the proposed materials, the size of the proposed porch and design of the proposed dwelling, that the development would be in keeping with the character of the locality and therefore would not give rise to any adverse impacts in regards to visual amenity.

### **Residential Amenity**

- 5.19 Given the siting of the proposed rear extensions to no. 29 Mercury Close, that the rear extension closest to the adjoining neighbour is single storey, the distance it extends beyond the rear elevation, existing boundary treatments, the separation distance between the proposed two storey extension and neighbouring properties to the south and that the existing dwelling already has first floor windows on its southern elevation, so there is already a degree of mutual overlooking, your officers do not consider that the proposed extensions would give rise to levels of harm in term of neighbouring amenity issues, such as, overlooking, loss of privacy, loss of light or overbearing, that would warrant the refusal of this application. Given the scale and siting of the proposed porch, it is not considered to give rise to neighbouring amenity issues.
- 5.20 Given the siting of the proposed dwelling and the separation distance to the neighbouring properties, your officers do not consider that the proposal would give rise to loss of light, or overbearing issues. Given that the adjoining and adjacent properties all have first floor rear windows, there is already a degree of mutual overlooking which is not uncommon within built up residential areas. The distance between the proposed dwelling and those down Aston Road is considered acceptable so not to increase the level of overlooking or loss of privacy to an unacceptable level. The proposed dwelling is not considered to give rise to neighbouring amenity issues for 29 Mercury Close and it is still considered to have sufficient outdoor amenity space. Your

officers have suggested that a condition removing certain permitted development rights is applied to the consent to ensure that any further extensions can be assessed, in order to safeguard neighbouring amenity.

- 5.21 It is noted that the proposed parking arrangements would result in the adjoining neighbour parking in front of the window serving the kitchen of the proposed dwelling. Your officers consider that this would result in some harm in terms of noise and disturbance and poor outlook. However, the entrance to the proposed dwelling and a hedge, are proposed between to the neighbours parking space and the kitchen window on the front elevation of the proposed dwelling, which will mitigate some of the harm in terms of outlook and disturbance. Your officers therefore consider that the proximity of the proposed parking space to the kitchen window would give rise to a modest level of harm in terms of residential amenity, to the future occupants of the proposed dwelling.
- 5.22 It is also noted that the proposed two bedroom dwelling is below the minimum space standards as set out in the 'technical housing standards - nationally described space standard'. The technical housing standards state that the area of a two bedroom, 3 person, two storey dwelling should be at least 70m<sup>2</sup>, the proposed dwelling is approximately 58m<sup>2</sup>. In addition, the single bedroom has an area of approximately 6m<sup>2</sup>, the national space standard is 7.5m.
- 5.23 The national space standard is a material consideration when assessing the proposal but the standard has not been adopted within our Local Plan. However, policy OS2 states that development be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants and policy OS4 states that development should not harm the use or enjoyment of buildings including living conditions in residential properties.
- 5.24 Your officers note that the scale of the proposed dwelling would provide living spaces below the standards set out within the 'technical housing standards' and consider that this would result in some harm to the living conditions of the future occupier. However, the proposed dwelling is located within a sustainable location and as such will have access to the many services and facilities that are on offer in the area, including a park just 60m away. The proposed development also includes the provision for outdoor amenity space which is considered to be sufficient for the size of the proposed development. Your officers consider that the scale of the proposed dwelling would give rise to modest harm to the amenity of the future occupiers and would not amount to a significant and demonstrable harm that outweighs the benefits of this proposal.

## Highways

- 5.25 Third party representatives have raised concerns regarding parking issues within the area. The proposed development will result in three car parking spaces being provided, two for no.29 Mercury Close and one for the new dwelling. OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. Your officers have carefully considered the concerns raised by local residents and the Parish Council however, the proposed dwelling is to be situated within a sustainable location with transport links, OCC have not objected to the proposal and that there are no on street parking restrictions within the vicinity. Therefore, your officers consider that the proposed dwelling and parking arrangements are acceptable and would comply with policy T4 of the adopted West Oxfordshire Local Plan 2031.

## **Drainage**

5.26 Your WODC Drainage Officer has been consulted on this application and has raised no objection subject to the full drainage details being submitted as part of a prior to commencement condition. The applicants have agreed to this condition being applied to the consent, therefore the development is considered to comply with policy EH7 of the adopted West Oxfordshire Local Plan.

## **Ecology**

5.27 The site as it stands is a mix of hardstanding, lawn, trees and hedging. The proposed development includes the removal of Laylandi trees, which are to be replaced with hedging. Your officers have included a condition stating that a bat box, three swift bricks and hedgehog gaps in boundary fencing/hedging need to be provided. The applicant has also proposed planting native shrubs and trees to boundaries, and a wildflower section at the rear of the garden. Given the proposed measures, your officers consider that the proposed development would comply with policy EH3 of the adopted West Oxfordshire Local Plan 2031.

## **Other Matters**

5.28 Bampton Parish Council have objected to this proposal raising concerns with the proposed development given existing parking issues within the locality and the covenants restricting development on the land.

5.29 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:

- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
- Design will not be in keeping with neighbouring dwellings
- Highway related issues, given existing traffic, access and parking problems.
- Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
- Land Ownership inaccuracies
- Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
- Boundary line inaccuracies regarding parking spaces.
- Loss of the trees and its impact on global warming. Details of replacement trees should be provided.

5.30 The concerns raised by Bampton Parish Council and the third party representatives have been carefully considered when assessing this application. Following the submission of revised drawings, given the scale of the proposed dwelling and proposed alterations to no. 29 and that the proposed materials are to be in keeping with those used within the immediate locality, your officers do not consider that the proposed development would harm the visual amenity or visual character of the area. Your officers' note that there are not any enclosed porches within the close however, there are within the immediate locality and given its sale and design your officers do not consider that it would harm the character of the area. Whilst your officers have concluded in the assessment above that the development would not give rise to highway safety and convenience issues, given the

nature of the site immediately adjacent to the residential parking area, your officers have suggested a Construction Management Plan be submitted to safeguard the living conditions of the neighbouring residents. In terms of the issues raised regarding the restrictive covenants on the land and land ownership issues, these are classed as civil issues and cannot be considered when assessing a planning application. However, your officers have included an informative stating that planning permission does not override any civil or legal issues. Your officers note that trees play an important role when combatting the climate emergency. However, given the number of trees which are to be removed and that replacement hedges and additional planting are proposed as part of the scheme, the removal of trees are considered to be acceptable. An informative encouraging sustainable development and a condition requesting details of proposed boundary treatments have been applied.

## **Planning Balance**

5.31 Your officers have found that the proposed development would result in modest harm to the residential amenity of the future occupiers of the proposed dwelling, because the size of the living spaces fall below standard and because of the proximity of the adjoining neighbours car parking space, to the proposed kitchen window.

5.32 However, the proposed dwelling is within a sustainable location with services, facilities including a park just 60m away and transport links on offer, this attracts moderate weight in its favour. The design proposed would be reasonably in keeping with the surrounding properties, and would be unlikely to cause harm to existing living conditions to nearby residents. There is a need nationally for smaller dwellings which may appeal to single occupiers and first time buyers. Moderate weight should also be applied to the fact that the proposed dwelling would contribute to our housing supply. Having carefully considered this proposal your officers are of the opinion that, on balance, the benefits of the development outweigh the modest harm found.

## **Conclusion**

5.33 In light of the above assessment, the application is recommended for approval as your officers, on balance, consider it complies with the provisions of Policies OS4, OS2, H2, EH2, T4, EH7 and H6 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of 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. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

5. The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.
  - Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
  - At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the western elevation wall of the new building;
  - At least 3 no. swift bricks to be integrated / built-in to the western elevation wall of the new building at 1 metre intervals and in accordance with Swift Conservation advice <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> ; and
  - hedgehog gaps/holes to be created through any new boundary fencing or walls

Reason: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

REASON: Control is needed to avoid any future harm to the living condition of the future and neighbouring residents.

7. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

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

8. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
  - I. The parking of vehicles for site operatives and visitors
  - II. The loading and unloading of plant and materials
  - III. The storage of plant and materials used in constructing the development
  - IV. The erection and maintenance of security hoarding including decorative displays
  - V. Wheel washing facilities
  - VI. Measures to control the emission of dust and dirt during construction
  - VII. A scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts. This condition has been agreed with the applicant.

#### INFORMATIVES :-

##### I. NOTE TO APPLICANT:

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.2 December 2021)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
  - Non-statutory technical standards for sustainable drainage systems (March 2015)
2. Please note that the granting of planning permission does not override any covenants on the land or civil rights of the adjoining/adjacent properties.
  3. 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).

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

For further guidance, please visit:

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

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

**Contact Officer:** Esther Hill

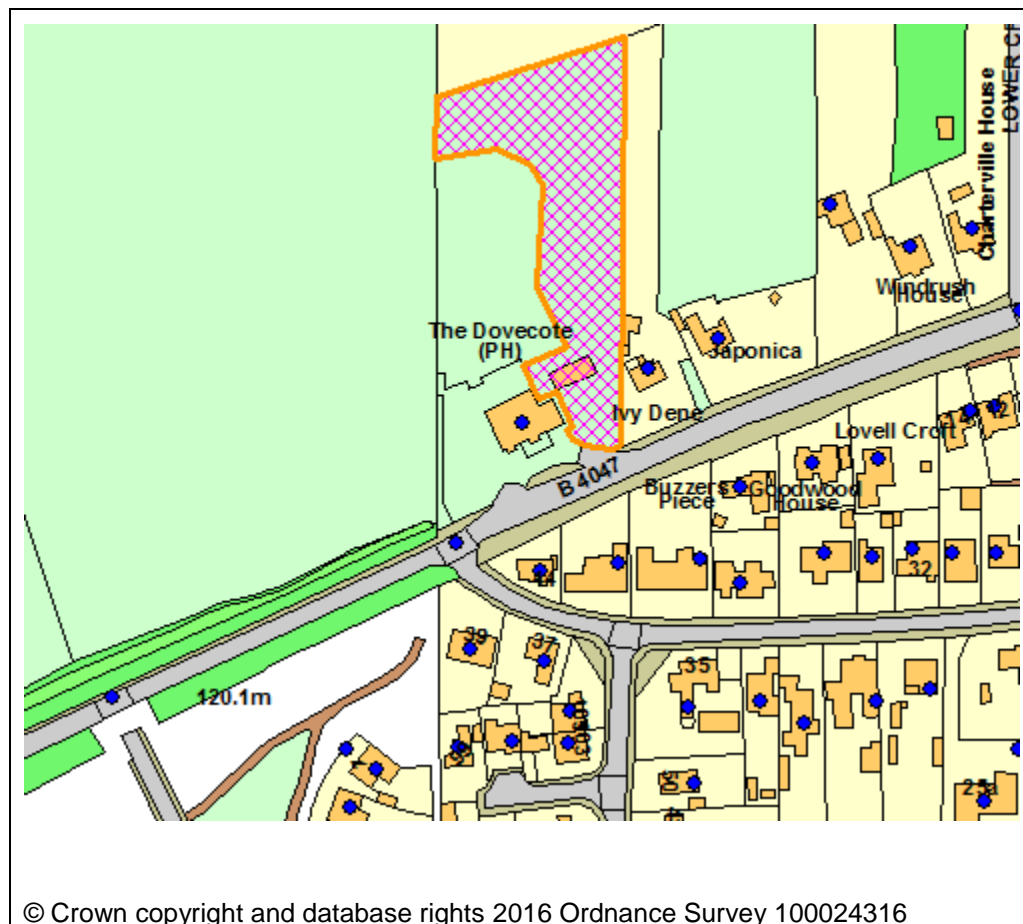
**Telephone Number:** 01993 861690

**Date:** 28th September 2022



Application Number	22/01434/FUL
Site Address	The Horse And Radish Burford Road Minster Lovell Witney Oxfordshire OX29 0RZ
Date	28th September 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	430985 E 210960 N
Committee Date	10th October 2022

### Location Map



**Application Details:**

The siting of 8 no. shepherds huts together with hard and soft landscaping to include provision of a pond, access track, external lighting and associated services.

**Applicant Details:**

Mr And Mrs Andrew And Anne Brian  
The Horse And Radish  
Burford Road  
Minster Lovell  
Oxon OX29 0RZ

**I CONSULTATIONS****OCC Highways**

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

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

- G28 parking as plan

**Parish Council**

In response to the documents submitted by the applicant in support of their application Minster Lovell Parish Council has considered this planning application and strongly objects to the application on the following grounds:

The Minster Lovell Parish Council Planning Policy Statement states:

1. No development will be allowed north of the B4047. The cumulative impact of additional development here would harmfully erode the character of this area, which was designated a Conservation Area in 1990, and which lies within the Cotswold Area of Outstanding Natural Beauty. The form, scale, design and location of the proposed development is not appropriate to be sited in an Area of Outstanding Natural Beauty because it has a significant detrimental impact on the open field landscape character and sweeping views across the Upper Windrush Valley. The visual amenity afforded by the protection of an Area of Outstanding Beauty would be damaged and lost.
2. Proposals to improve the effectiveness and efficiency of established industrial and business premises will be permitted only in the event of special, local need.

The application does not evidence a local need for additional holiday accommodation in an area which is already well served by local hotels and guest houses or that additional employment will be created.

The Village of Minster Lovell is a Chartist Settlement protected as a non-designated heritage asset under policy EH16 of the West Oxfordshire Local Plan 2031. The application site is part of the Chartist Settlement. The unique linear plot lay-out and design is an important historical and physical feature of the Chartist Settlement in Minster Lovell that should be protected and maintained. Previous decisions by West Oxfordshire District Council (WODC) and Planning Inspectors have confirmed that 'due to its history, relative rarity and the fact that many of the plots conform to the original linear form of the Village and remain intact, the entire settlement is a non-designated heritage asset'. This non-designated heritage asset should be conserved and protected.

The proposed development does not form a logical compliment to the existing linear scale and pattern of development along the Burford Road and is detrimental to the form and lay-out of the Chartist Settlement in this part of the Village. The application constitutes back land development which is against the Minster Lovell Policy Statement and WODC policies. West Oxfordshire District Council and Planning Inspectors have consistently refused back land development of this nature to protect the Chartist Estate as a non-designated heritage asset. There are 10 grade 2 listed buildings within 100 m of the proposed development site.

The Parish Council is concerned that this application sets a precedent for other similar applications resulting in the possibility that the area becomes proliferated with caravans and mobile home sites which would have a significant detrimental impact on the Area of Outstanding Beauty and the Chartist Estate.

The proposed shepherd's huts are not of traditional appearance and design. They are large (2.6m x 6.7m or 3.0m x 8.0m) and modern in design, materials and construction with a large service box. They are described as being like a hotel room with bedroom, en-suite and veranda. Despite them having wheels and the ability to be moved, the shepherds huts would be permanently sited with permanent infrastructure, plumbed services for waste disposal and water, permanent paths and lighting. This creates a permanent caravan or mobile home site which would be out of keeping and detrimental to the character of the area for the reasons stated above. The applicant cites an instance of another shepherd's hut in the village, but that is one isolated shepherd's hut that differs significantly in that it is of traditional design and construction and does not have plumbed services.

## Parking.

Parking issues already exist with patrons of the Horse & Radish parking on the roadside/pavement directly outside of the pub which restricts the width of the road and access to the pavement. Patrons also park on the grass verge opposite the pub which blocks the view of oncoming traffic for those exiting Upper Crescent. The proposed 8 spaces for the shepherds huts assumes one vehicle per hut which the Council believes is an under-estimation and that these 8 spaces plus the 3 additional spaces are insufficient and unlikely to ease the existing the current parking shortfall.

## Location and Loss of privacy.

The proposed location and concentration of the shepherd's huts on the East side of the site creates a caravan park feel which is inappropriate for the site and will have a detrimental impact on the AONB and Chartist Settlement, as set out above. This has a significant impact on the neighbouring property called Ivy Dene which is immediately adjacent to the proposed development. For example, it results in a loss of privacy to the occupiers of the house and garden. Any hard landscaping or fencing between the proposed site and Ivy Dene would be detrimental to the open field landscape and views in this part of the Village.

The Noise Impact Assessment, paragraph 3.4, quotes pre-application advice dated 02/02/2022. It states that 'as referenced to in the landscape section, officers have significant concerns owing the proximity of the huts to Ivy Dene and its garden to the east. Aerial images show a trampoline and other associated residential paraphernalia within the rear garden directly to the east of the huts. As such, the garden is in use. The current location of the huts is likely to result in overlooking, loss of privacy, noise and disturbance to occupiers of the house and garden. The huts should be moved to the opposite side of the plot, however officers are aware that this may result in an increased impact on the AONB'.

## Impact of noise from those using the Shepherds Huts

The generation of noise from people using the site is likely to increase the volume and noise disturbance generated from the site, particularly impacting on the immediate neighbours. The assessment does not take into account the noise and disturbance from cars which can be arriving and leaving at any hour of the day and night and will impact on residents in neighbouring properties.

The provision of a pond on site would encourage visitors to congregate in a sociable situation which is likely to increase the concentration of noise and may involve visitors transmitting music as entertainment and this does not appear to have been taken into consideration.

Conservation Officer

No Comment Received.

WODC Env Health - Lowlands

I have no objection in principle subject to the following conditions:

- All the recommendations in the Noise Impact Assessment report provided by Acoustic Consultants Ltd, dated 13th May 2022 are implemented including the Noise Management Plan.
- Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction commences. Development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

ERS Env. Consultation Sites

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

District Ecologist

With regard to impacts on biodiversity:

- The PEA mentions 12 shepherd's huts rather than the 8 presented in the application. I assume this is a typo since 8 are shown in the plan within the PEA, but confirmation that the PEA describes the ecological implications of the application as presented to West Oxfordshire would be useful.
- The Preliminary Ecological Appraisal (Windrush Ecology, May 2022) (PEA) develops mitigation based on assumptions of species that may be present (habitat suitability). There is a lack of information from detailed species (phase 2) surveys. Although there is a relatively low risk to protected or notable species due to the low wildlife potential of the main habitats affected, a highly precautionary approach based on an assumption of presence must be reflected throughout the project. The recommendations within the PEA to reduce risk must be implemented in full. In addition, toolbox talks for workers on site are recommended.
- The impacts of the provision of services to the huts have not been evaluated in the PEA. The shepherd's huts will require drainage and other services. The underground infrastructure needed to achieve effective sewage disposal and electricity and water provision to these scattered huts will require earth and other works. Evaluation and where required mitigation for these impacts is recommended, including, for the construction phase, covering of any excavations overnight so that wildlife does not become trapped.

- There is no detail on how the sewerage and drainage systems will work. Given that the sensitive wildlife area of the River Windrush is close to the development, the LPA must have confidence that the sewerage and drainage system is fully contained within the site, including during periods of flood and heavy downpours. The wildlife pond must be located and designed such that there are no implications of drainage and sewerage for water quality in the pond. (There may be scope for wetland treatment works; this could be welcomed but is a different topic and purpose). The detailed design of sewerage and drainage must include consideration of potential impacts of on-site and off-site wetland and other habitats.
- There is reference within the PEA to the potential of the site for foraging and commuting bats. Sensitive lighting is recommended. However, no detailed data (bat activity surveys) has been provided. This makes it challenging to understand the potential impacts of the development on bats. As a minimum, confidence is required on a precautionary basis that lighting levels of hedgerows, boundary features and significant enhancements suitable for bats (the pond) will be maintained for the lifetime of the development at lighting levels of 0.5 lux or less. More detail, ideally including a parameters plan showing retained dark corridors is required on this topic in order to have confidence in implementation and that there would be no negative impacts on foraging and commuting bats using the site. Modelled lux levels may be required to demonstrate this. In the absence of such a plan, more detail on the bats using the site is recommended through Phase 2 bat activity surveys, so that the bat assemblage using the site can be described and potential impacts on these fully described and appropriate mitigation developed.

With regard to biodiversity enhancements:

There is an opportunity for biodiversity gains arising from this development. The application refers to biodiversity benefits within the planning statement (May 22) and a letter from the agent in response to comments (August 22). However, the application would benefit from a focus on Priority and notable species and habitats (as listed under S41 of the NERC Act 2006) in relation to biodiversity enhancements. More factual evidence relating to gains and losses of habitat in area and quality, as well as long term security for positive management would also be helpful. Evidence of and security for biodiversity benefits as a planning gain would include the following:

- Hedgerow restoration should be included within the enhancement plans if practicable. Hedgerows comprise priority habitat as listed under S41 of the NERC Act 2006, are present on the site, are in poor condition, and would benefit from enhancement. Replacement of the fencing boundary with a

- hedgerow would add additional wildlife value.
- The pond should have wildlife potential if designed and managed well. Details on parameters for wildlife-friendly design for the pond are included within the PEA and these details must be secured by condition; a Landscape and Environment Management Plan could be an appropriate mechanism. However, the presence of a 'duck house' within the design and access statement video suggests that these recommendations have potentially not been carried through to or considered at the detailed design stage - domestic waterfowl are not compatible with a high quality wildlife pond. Implications of drainage, runoff and works from the adjacent shepherd's hut, for example on pond water quality, light and sound disturbance will also potentially reduce biodiversity potential. This pond may well deliver more biodiversity with less effort as a standalone feature at distance from built infrastructure and lighting. Detailed landscaping proposals for the pond and other wildlife features must take these matters into consideration with a focus on biodiversity gain as a priority. This can be secured by condition.
  - Native tree and shrub planting to enhance structural diversity would benefit wildlife and is a welcome landscaping proposal. However, the landscaping proposals appear to relate to the first year only. In order to secure these benefits for wildlife and amenity the long term, the landscape proposals must include detailed management and monitoring of these and other biodiversity features for a five or ideally a ten year period. This can be secured by condition.
  - The proposals for log piles, and bird and bat boxes are welcomed as biodiversity enhancements.
  - If the application is relying upon biodiversity enhancements as a defined planning gain, then formal Biodiversity Net Gain calculations using the Defra metric are recommended. The 'small sites' metric may be appropriate for this development (<http://nepubprod.appspot.com/publication/6047259574927360>).

WODC Landscape And  
Forestry Officer

No Comment Received.

Thames Water

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

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

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

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 an informative be attached to this planning permission regarding water pressure.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached to the planning permission.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you



require further information please refer to our website.  
<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

WODC Drainage Engineers      No Objection subject to conditions

## 5      **2 REPRESENTATIONS**

2.1 A summary of the representations received are detailed below. Full details can be found on the Council's website.

2.2 Two third party objections received relating to:

1. Loss of privacy;
2. Overlooking;
3. Noise and disturbance;
4. Location of the huts, access road and car park;
5. Loss of hedgerow;
6. Could there be a covenant saying that the huts would be removed if a change of ownership were to happen; and
7. Design.

2.3 Three third party support comments received relating to:

1. Sensible and fitting expansion to a small business;
2. Minster has a lack of affordable accommodation within the village, with only a PLC owned exclusive hotel available;
3. Proposal will only help to cement the continuation of the pub;
4. Additional car park for overspill demand and staying guests would be welcomed;
5. Growth of the business would contribute significantly to the local economy; and
6. As a local and neighbour am very excited to see this go ahead.

## **3 APPLICANT'S CASE**

3.1      The supporting Planning Statement summarises their case as follows:

*The proposed Shepherd's huts development will make an effective addition to The Horse and Radish pub, and will provide a much needed new supplementary income to support the Pub's business, as it continues to deal with the ongoing challenges of the Pandemic; and at the same time will also contribute to the vitality of local service providers, whilst also supporting the local tourist industry of West Oxfordshire in general.*

*It is considered that this Shepherd's hut proposal represents an appropriate form of sustainable development, that is supported on both a National and Local policy level. Accordingly, the Council Planning Officers at West Oxfordshire District Council are respectfully requested to positively look upon*

*this Planning Application, and support this Shepherd's Hut development to the rear of The Horse and Radish Pub in Minster Lovell.*

## **4 PLANNING POLICIES**

E2NEW Supporting the rural economy

E4NEW Sustainable tourism

E5NEW Local services and community facilities

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

EH16 Non designated heritage assets

OS2NEW Locating development in the right places

OS4NEW High quality design

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 The site is The Horse and Radish Public House located to the north of the Burford Road in Minster Lovell. The shepherd huts are proposed to be sited on land to the east/north of the pub.

5.2 To the west are open fields, to the north is a mix of fields and scattered development, to the east are a number of dwellings in a broadly linear arrangement, to the south is the Burford Road and beyond this is the main built up area of Minster Lovell.

5.3 The site is within the Cotswolds Area of Outstanding Natural Beauty, the Grade II listed building 'Japonica' is approximately 35m to the east at its nearest point, the site is considered to be in open countryside for the purposes of planning policy, and The Horse and Radish Public House itself is considered to be a community facility.

5.4 The application is brought before Members of the Lowlands Area Sub Planning Committee as the Parish Council have objected to the proposed works.

5.5 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;
- Design and Impact on the Cotswolds Area of Outstanding Natural Beauty;
- Impact on Designated Heritage Assets;

- Impact to Residential Amenity;
- Highway Safety;
- Impact to Projected Species; and
- Other matters

## **Principle of Development**

5.6 With regard to the principle of development, the area of Minster Lovell that is north of Burford Road is categorised as a small village, hamlet or open countryside within the adopted West Oxfordshire Local Plan 2031.

5.7 Local Plan Policy E4 (Sustainable tourism) states '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; or
- the proposal will re-use an appropriate building in accordance with Policy E3'

5.8 The site itself falls within the 'small villages, hamlets and the open countryside' as set out in the settlement hierarchy. However, the site is approximately 40m to the north of Minster Lovell (south of Burford Road) which is described as a village in the settlement hierarchy. Policy E4 requires new tourist and visitor facilities to be 'within or close to Service Centres and Villages'. As the shepherd huts would be located just 40m from the village of Minster Lovell (south of Burford Road), officers are satisfied that the proposed development is close to a village and Local Plan Policy E4 can therefore offer support in principle to the proposal.

5.9 In addition, The Horse and Radish Public House itself is considered to be a community facility.

5.10 Local Plan Policy E5 (Local services and community facilities) states 'The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities'.

5.12 As the proposed development is likely to support the development and retention of the community facility, Local Plan Policy E5 can therefore also offer support in principle to the proposal.

5.13 In addition to Local Plan Policy. The following national policies apply to the proposal.

5.14 Section 6 of the NPPF refers to supporting a prosperous rural economy. Paragraph 84 of the NPPF states that 'planning policies and decisions should enable...the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings' and promote 'development and diversification of agricultural and other land-based rural businesses'. The NPPF is therefore supportive of sustainable new economic developments in rural areas.

- 5.15 Paragraph 85 states that '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.'
- 5.16 In light of the above, the proposed development is likely to be supported in principle, subject to compliance with the other relevant policies set out in the Local Plan.

### **Design and Impact on the Cotswolds Area of Outstanding Natural Beauty**

- 5.17 Local Plan Policy EHI (Cotswolds Area of Outstanding Natural Beauty) states 'In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.
- 5.18 Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes and small scale renewable energy development, will be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area'.
- 5.19 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.
- 5.20 The application site, being located in open countryside and within the Cotswolds AONB is a highly sensitive area, and development in this location should seek to conserve or enhance the natural beauty of the landscape.
- 5.21 The huts themselves would be single storey and range in size from 2.6 x 6.7m to 3.0 x 8.0m. The internal layouts will vary from hut to hut, but typically will contain a double bed, seating and storage. The huts have a service box at the rear, a small balcony and a bay window arrangement. The huts are to be constructed from timber elevations and sheet metal roofs. They are clearly agricultural in nature.
- 5.22 The huts would be positioned near the existing native hedgerow/tree line that defines the eastern and northern boundaries of the site, and this hedgerow/tree line is to be retained along with additional planting. Furthermore, the development site slopes away from the highway such that it is not prominent within the local landscape. It cannot be seen from Public Rights of Way nor is it readily viewed from other public vantage points in the area. As such, the site is quite visually contained. Notwithstanding this, the use of the huts for holiday purposes could result in additional paraphernalia at the site, such as parasols. Officers note the potential for this and consider that the huts siting, next to a mature hedgerow/tree line would mitigate this impact.
- 5.23 The holiday use could also impact on the rural tranquillity of the area, which itself is an important aspect of the AONB. However, the site adjoins an operational pub and would share its access and parking facilities. With this in mind, the tranquillity of the development site is somewhat negated such that the holiday use is unlikely to significantly detriment the tranquillity of the AONB.

5.24 Officers considers that the siting of the huts and their subsequent use would sit well within the landscape. As such, the proposals are considered to be sympathetic to the AONB and meet the landscape requirements of policy.

### **Impact on Designated Heritage Assets**

5.25 The Grade II listed building 'Japonica' is approximately 35m to the east at its nearest point. 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.

5.26 Local Plan Policy EH9 (Historic environment), Local Plan Policy EH11 (Listed Buildings) and 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.

5.27 With regard to the impact on the setting of Japonica. There is no intervisibility between the proposed site for the Shepherd Huts and the listed building due to the size of the plots and the intervening development. Furthermore, the large plot to the rear of the listed building, which contributes to its special interest as a Chartist allotment plot, would not be affected. When combined with the low impact nature of the development, being single storey and shepherd huts, plus the landscaping ensure there is no harm to the setting of Japonica.

5.28 Moving to the impact on Minster Lovell as a non-designated heritage asset. A heritage impact assessment is submitted that goes into some detail regarding the history of Minster Lovell. The HIA states 'The visual unity that once defined Charterville has been substantially diluted by alterations to both the cottages that were listed and those that are not. The main causes being removal of characteristic features, in particular on the front elevations - changes to fenestration and external wall finishes, and infill development that has disrupted the groups of cottages preventing them from being appreciated as a whole, with the original settlement pattern no longer readily apparent'.

5.29 While officers agree with some elements of this assessment, officers do not agree that 'the original settlement pattern no longer readily apparent.' Recent appeal decisions have come to a contrary conclusion and it is recognised that the Chartist plots of Minster Lovell form a non-designated heritage asset in its own right.

5.30 While that is the case, arguably, the Horse and Radish has lost much of its significance in terms of a Chartist plot as the host building has been substantially altered and extended over the years. While the wider plot still retains its Chartist allotment shape. The 1881 census lists two shepherd huts being at the site as such shepherd huts are a recognised feature in the site's history.

5.31 Furthermore, the generous sized plots were intended to provide an income for families occupying the host building on the site. Indeed a number of Chartist plots in Minster Lovell have ancillary buildings and functions to the rear. Officers are of the opinion that the proposed scheme would reinforce this situation. The proposed shepherd huts are not permanent structures and would be of an ancillary nature to the host building (and would be secured by condition as such). Moreover, the development would not subdivide the plot as it would read as a pub with ancillary tourist accommodation. Thus Officer are satisfied that the proposed shepherd huts would not be harmful to Minster Lovell as a non- designated heritage asset.

## **Impact to Residential Amenity**

- 5.32 A noise assessment is submitted to support the application and this makes a thorough assessment of the noise impacts of the scheme.
- 5.33 Officers note the proximity to the adjacent dwelling Ivydene and acknowledge that there is likely to be some noise and disturbance as a result of the tourist use. However, officers agree with the findings of the noise assessment in that 'Noise from talking, raised voice and shouting is likely to be audible occasionally but not at a level which is considered to be disturbing or distracting'.
- 5.34 While there would be occasions where noise levels may reach unacceptable levels. Officers anticipate this to be a short term issue and not a long term nuisance. Indeed, even these worst case nuisances are likely to be similar to the worst case impacts coming from the use of the adjacent pub garden. Nonetheless, a thorough noise management plan will be secured by condition to ensure noise can be further mitigated.
- 5.35 With regard to overlooking and loss of privacy to neighbours. The huts are single storey and none of the proposed modest balconies directly face nearby dwellings. Furthermore, views from the site to Ivydenes house and garden are screened by the hedgerow/tree line. Also of note is that the lawful garden serving Ivydene appears to be between the rear garage/carport and house. The rest of the plot appears to be in a quasi-business use as is typical with other plots in Minster Lovell. As such, the impacts of the comings and goings of persons, the parking area and the occupation of the huts are limited.
- 5.36 Officers note the lighting details supplied explaining bollards with down lighting that are motion activated are proposed. However, further technical details are required before this element could be approved.
- 5.37 In regards to the huts themselves, their window placements and front entrances are orientated in such a way to not result in any detrimental residential amenity issues between each other when in use.
- 5.38 Overall, officers are satisfied that overlooking and loss of privacy would not be harmful to the living conditions of nearby occupiers or between the huts themselves. Also, while noise would occur this is not thought to be harmful. The proposed development is acceptable in residential amenity terms.

## **Highway Safety**

- 5.39 The site is an existing community facility with safe access and egress and parking provision. The proposed development would utilise the existing accesses and proposes further parking provision. The proposed parking provision is sufficient to meet the needs of the new development. Furthermore, the site can be safely accessed by pedestrians and cyclists. Indeed, specialist highways officers at OCC have not raised an objection.
- 5.40 Overall, owing to the existing access to be used, the ample parking facilities, and the ancillary nature of the development, the development would not result in an unacceptable impact on highway safety or the local road network and safe access for all road users is possible.

## **Impact to Projected Species**

5.41 An ecological survey was submitted to support the application which found that the habitats present on site are of low to moderate ecological value. Nonetheless, the habitats on site have the potential to support a range of protected or notable species. When considering the low impact nature of the proposed development and the detailed landscape scheme provided, including the new pond, officers are satisfied that the proposed development would not harm protected species and would result in biodiversity net gain.

## **Other matters**

5.42 A neighbour has commented requesting the proposed development be secured to the current owners of the Horse and Radish. Officers understand why this is being requested. However, the proposed development is acceptable in planning terms and a personal condition is not required in this instance.

5.43 The huts will require drainage connections and electricity and water supplies. These services will run below ground beneath the access track. Ground level connections will be provided beneath the services box at the rear of each hut.

5.44 A small biological sewage treatment plant is proposed below ground at the lowest end of the site (as located on the site plan). The treatment plant discharges clean water and will require periodic desludging.

## **Conclusion**

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

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

4. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include

details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include emergency plans and emergency routes for safe access and egress are required.

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.

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). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

5. The use hereby permitted shall be limited to the area outlined in red shown on drawing number 434-120 Rev B (Location Plan).

The number of shepherd huts shall be limited to 8 in the arrangement shown on drawing number 434-123 REV C (Site Plan - proposed).

REASON: The development is permitted on the basis of the details submitted with the application only. Structures on the site need to be carefully controlled in the interests of the character and appearance of the area.

6. The shepherd huts hereby approved shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants.

REASON: The development has been approved on the individual circumstances of the case, and to operate as anything other than holiday accommodation requires further assessment in regards to its acceptability, and landscape, appearance and highways impacts.

7. The development hereby approved shall remain ancillary to the business offering at The Horse and Radish Burford Road Minster Lovell Witney Oxfordshire OX29 0RZ, and shall not be operated or sold separately.

REASON: The development has been approved on the individual circumstances of the case, and to operate separately would require further assessment in regards to its acceptability, and landscape, appearance and highways impacts.

8. No hardstanding, structures, buildings or extensions other than those permitted by this decision notice shall be installed, erected or constructed anywhere within the area outlined in red shown on drawing number 434-120 Rev B (Location Plan) without the prior written approval of the Local Planning Authority.

REASON: Built form on the site need to be carefully controlled in the interests of the character and appearance of the area.



9. The entire landscaping scheme shown on drawing 01 (Landscape Proposals Plan) shall be completed in full by the end of the first planting season (1st October to 31st March the following year) following the siting of the first hut on the site.

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 that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical.

10. The development shall be completed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal dated May 2022 prepared by Windrush Ecology Limited, 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, and shall thereafter permanently retained and maintained.

REASON: To ensure that biodiversity is protected and enhanced 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.

11. 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 huts 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.

12. All the recommendations in the Noise Impact Assessment report provided by Acoustic Consultants Ltd, dated 13th May 2022 shall be implemented in full prior to the first occupation of the huts hereby approved.

REASON: To protect the residential amenity of nearby dwellings.

13. A Noise Management Plan shall be submitted to the Local Planning Authority for approval prior to the first occupation of the huts hereby approved.

The approved Noise Management Plan shall be implemented in full prior to the first occupation of the huts hereby approved and shall be adhered to in perpetuity.

REASON: To protect the residential amenity of nearby dwellings.

14. No external lighting shall be erected, sited, placed or affixed anywhere within the red line shown on drawing no 434-120 Rev B without the prior approval, in writing, of the Local Planning Authority.

The development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

REASON: To protect the residential amenity of nearby dwellings and to ensure that biodiversity is protected.

#### INFORMATIVES :-

1. 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/>

2. 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.
3. 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).

4. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (1.2 December 2021)

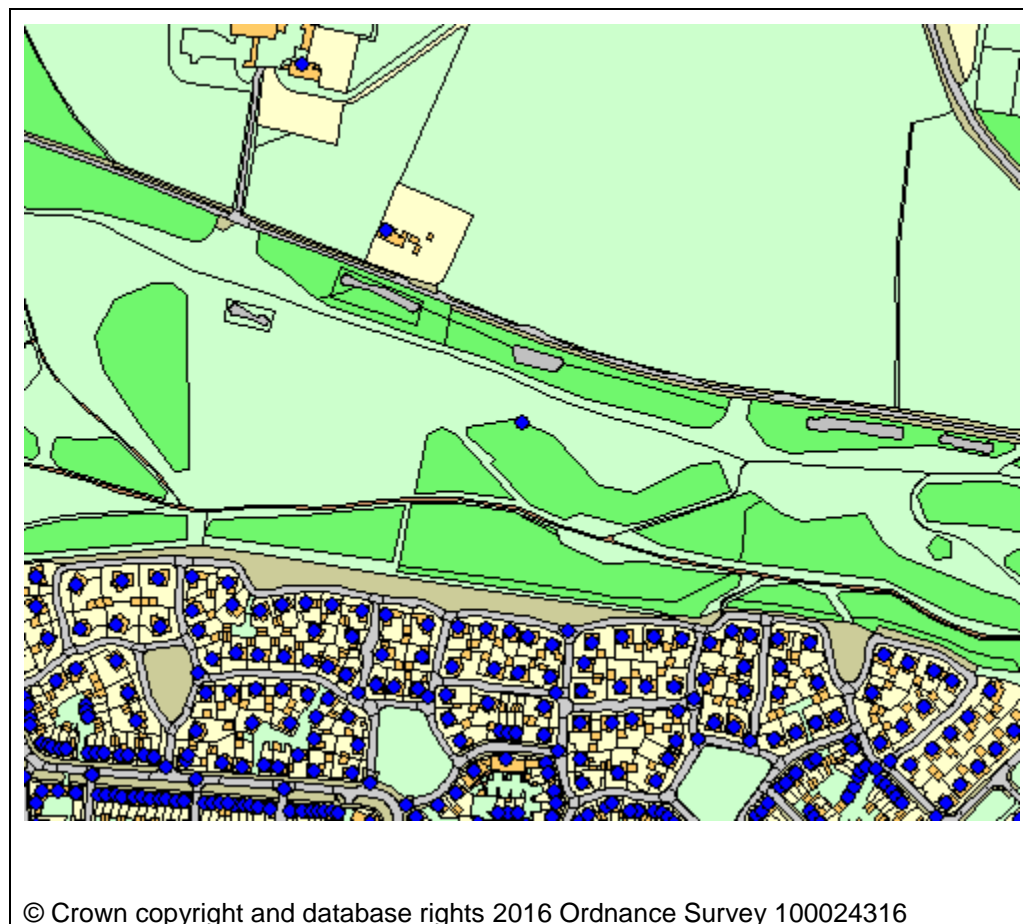
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 28th September 2022

Application Number	22/01593/FUL
Site Address	Kilkenny Lane Country Park Elmhurst Way Carterton Oxfordshire
Date	28th September 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	428452 E    208466 N
Committee Date	10th October 2022

**Location Map**



**Application Details:**  
Extension of car park.

**Applicant Details:**

Mr Chris French  
Kilkenny Country Park Car Park  
Elmhurst Way  
Carterton  
Ooxn  
OX18 1EY

**I CONSULTATIONS**

Parish Council

**Comment received 12.07.22**

Thank you for inviting Brize Norton Parish Council to comment on the above planning application. However, before doing so, the PC would respectfully bring to your attention that Kilkenny Lane Country Park including the proposed car park area, the length of Elmhurst Way which runs parallel to the country park and the allotments on the south side of the road are all within the Parish boundary of Brize Norton. For your reference, we have attached a map of the Parish Boundary which also acts as the designated area for our emerging Neighbourhood Plan. Brize Norton Parish Council formally requests that your records and all references to Kilkenny Lane Country Park are updated to reflect its correct location. These include your consultation letter dated 22/06/2022 and the associated Planning Statement.

Parish Councillors have reviewed the documentation associated with Planning Application 22/01593/FUL for the proposed Kilkenny Lane Country Park car park extension and comment as follows:

We are pleased that the car park has been planned in such a way to avoid impacting the of area higher ecological value as detailed in Rachel Crookes email. However, we note that the new car parking spaces, where not on original tarmac, are formed by using compacted stone. The PC would strongly recommend the use of 'Grasscrete' as this offers a much higher degree of permeability. For your reference, this treatment is being used for the new car park which will serve the allotments in Brize Meadow.

We also recommend that as a minimum, car parking spaces 1 and 2 should be provided with EV charging points. This would support the WODC objectives to provide EV charging points in all Council owned car parks and align with Policy T1, Sustainable Transport. There is a toilet block adjacent to these parking spaces which has a 240volt supply into it.

**Comments Received 22.08.22**

Following on from our previous response regarding the above planning application, and as this application hasn't gone before the Planning Committee yet, if possible, Brize Norton Parish Council

would like to make an additional comment as follows:

The Parish Council has received comments about some of the proposed parking spaces (8) encroaching onto grassland of higher ecological value. Having revisited site, we note that the grassland to the west of the toilet block, which is of a lower ecological value, has not been taken into account as a parking area.

The Parish Council would like to suggest that if the car park was to be redesigned, taking into account the land to the west of the toilet block, potentially all of the 51 parking spaces which includes the eight which are currently on the higher value land, could be constructed on either the original tarmac area or grassland of a lower ecological value.

Our original comments regarding the use of a material of higher permeability for new parking areas and EV charging points (which would be easier now as these could be mounted on the rear of the toilet block) still form part of our response.

District Ecologist

Whilst the efforts to limit impacts on ecology are appreciated, the application to extend the car park will still impact on areas of high quality grassland, based on evidence provided by the applicants. I recommend that a calculation using the Biodiversity Net Gain metric 3.1 is carried out to quantify the mitigation therefore required in line with government guidance. There may be scope to enhance other areas within the country park in order to achieve 10% net gain in line with the requirements of the Environment Act 2021.

There may also be impacts on habitat and features suitable for protected species. The disturbed context makes the presence of species such as great crested newt and reptiles less likely. Nonetheless there is a risk during construction in particular exists and is not addressed in the application. A Construction and Environmental Management Plan is recommended to be provided as a condition to the application, to include measures such as:

- engage a suitably experienced ecologist to advise on the works
- cover any excavations overnight to prevent wildlife entering and becoming trapped
- search the area prior to works to check for protected species. If, for example, a badger sett is found then works must stop and a license from Natural England may be required.
- for works affecting scrub or trees, either avoid the nesting season (March to August incl.) or have an ecologist check the area for nesting birds prior to works. If a nest is found then a 5m buffer for works would typically be required until the chicks have fledged.

This document could also be the means by which measures to enhance habitat to enable Biodiversity Net Gain to be achieved can be identified for subsequent inclusion within management recommendations for the Country Park as a whole. Additional ecological enhancement opportunities such as the creation of brash / rubble piles suitable for use by reptiles, amphibians and other wildlife can also be included.

WODC Landscape And Forestry Officer

I've asked Rachel Crooks if she knows much about the proposal because she commented on some pre-app stuff re biodiversity and there are a couple of objections relating to this aspect on the website. At first sight, it just looks like a straightforward extension to a fairly non-descript car park but WODC, as land managers and applicants, might want to consider a layout that is more sensitive to the biodiversity aspects as well as public amenity and the sustainability issues raised. There looks to be scope to achieve this, if there is an appetite to look at this by our Estates Team.

Adjacent Parish Council

No Comment Received.

WODC Drainage Engineers

The application submission includes a drainage strategy document produced by IDS which is dated June 2022. Subject to the drainage works being constructed as per the details included in that document I have no objections to make and there will not be a need for a drainage condition.

OCC Highways

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

Recommendation:

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

## 2 REPRESENTATIONS

There have been 2 comments of support from 3rd party consultees to which their comments have been summarised as per below:

- Extra car parking is needed, the extra parking will stop as many cars parking on the roads
- Highway safety will be improved and no habitats will be destroyed

There has been 1 general comments from 3rd party consultees to which their comments have been summarised as per below:

- Agree in principle with the increased parking
- Would like consideration of wild flowers to be taken.

There have been 2 comments of objection from 3rd party consultees to which their comments have been summarised as per below:

- Wild Orchids should be preserved over a car park
- Concerns with the loss of grassland and the climate emergency.

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

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website. The statement has been summarised below:

The proposals have been developed in response to inadequate size of the existing small car park area to accommodate the number of vehicles attending the site during peak periods.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background information**

5.1 The application seeks full planning permission for the extension of a car park at Kilkenny Lane Country Park, Elmhurst Way, Carterton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is on behalf of Publica and the application was called in by a Councillor to be determined by the committee should it be approved.

5.3 The application site relates the Kilkenny Lane Country Park which is located within the boundary of Brize Norton Parish but falls to the north of Shilton Park.



5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.5 Relevant planning history:

- W97/0843 - Residential & employment development, including shopping, primary school & community facilities access roads, footpaths & cycleways; open space including playing field & country park, new A40 Carterton link road. - Approved with conditions
- 08/1020/P/FP - Construction of car park to serve Carterton Country Park with associated access and landscaping. - Approved with conditions

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

- Principle
- Design
- Residential Amenity
- Drainage
- Impact on Highways
- Landscaping
- Ecological impact

### **Principle**

5.7 Local Plan Policy E5 (Local services and community facilities) states: "The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities".

5.8 Kilkenny Lane Country Park is a well-regarded local community facility which is managed by West Oxfordshire District Council. The Country Park is set within 21 hectares of land with 2.5km of footpaths and childrens play areas along with many other uses. The current car parking facilities are proving to be inadequate to meet the demand at peak times. There has been instances of cars parking on the highway on the bend and restricting visibility for other highway users. Your Officers have considered that the justification for the additional car parking provision has been sufficient and is looking to improve the community facility with the increased amount of spaces to improve highway safety and encourage further people to visit and therefore the proposed complies with Local Plan Policy E5.

5.9 As such the development is supported in principle subject to further assessment in regards to the design, residential amenity, drainage, impact on highways, landscaping and ecological impact.

### **Siting and Design**

5.10 Proposed is an extension to the existing car park within the western corner of the Kilkenny Lane Country Park.

5.11 The current parking spaces on site are 12 with the view to increase these to 52 giving an increase of 40 spaces within the site which would include 4 disabled spaces and 8 cycle parking spaces. The extended car parking is to reach north and bear round to the east of the site. The distance from the

top corner of the existing parking provision to the top corner of the proposed is approximately 35m. The distance from the southern corner of the existing parking provision to the bottom south eastern corner is approximately 22m. The area in which is to be affected and within the red edged line is 0.78ha however the approximate area to be covered in parking spaces is 0.48ha.

- 5.12 The proposed materials to be used on the car park is a mix of existing tarmac surface to be retained/overlaid and is to be extended further round. The car parking bays are going to be constructed with compacted stone and concrete cone edging and timber knee rail around the perimeter of the parking spaces. Officers consider that the materials being used are appropriate in this location, the tarmac is already in place and will purely be extended and the compact stone is a low maintenance option which still is appropriate to be used for parking spaces and does not overly impact the natural area. Of note is that a parking area exists in the area already. While it is proposed to significantly increase in size, it is an established development in this area. Indeed, the proposed development is of a size that is more commensurate with the scale of Kilkenny Lane Country Park.
- 5.13 Your Officers consider that the proposed development will integrate successfully into the site and its surroundings and consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

### **Residential amenity**

- 5.14 Given the nature of the alterations to extend car parks, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. The site is currently an existing car park with the principle already in place. Additionally, the car park is 58m away from the nearest residential home to the west and 115m to the east and therefore has been considered that it would not give rise to any issues such as being overbearing nor causing overlooking or loss of light. Whilst due to the nature of the development there is going to be some increase in vehicles to the area and resultant noise, vibration and fumes from the vehicles. Officers have considered that the neighbouring properties are a sufficient distance away to not give rise to disturbing the properties.

### **Highways**

- 5.15 Local Plan Policy T4 (Parking Provision) states: Proposals for new off street public car parking areas will be supported in accessible locations where they would help to ensure the continued vitality and viability of town centres, where they would support visitor and tourist facilities and attractions or where the local environment is being seriously damaged by on-street parking and alternative parking provision is essential.
- 5.16 Evidence within the design and access statement along with 3rd party consultees have stated that there are issues with parking at this location with at peak times, cars are parking on the bend of Elmhurst Way. Additionally the case officer conducted their site visit in July and viewed these parking difficulties first-hand.
- 5.17 OCC Highways have been consulted on the application as there is a total increase of 40 parking spaces and therefore your Officers deemed it appropriate to gain their comments as it is likely that

there would be an increased volume of cars. OCC Highways have raised no objections in regards to highways safety and convenience.

5.18 Your Officers have considered that whilst there is larger increase in spaces the site as described is a local community facility and is still relatively modest when considering the site as a whole.

5.19 On this basis, the scheme is considered acceptable and complies with policy T2, T3, T4 of the West Oxfordshire Local Plan and I04 E) of the NPPF 2021.

### **Drainage**

5.20 Local Plan Policy EH7 (Flood Risk) states: "Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk (taking account of the impacts of climate change)"

5.21 Your Officers have considered that the sequential test for flood risk is not required in this instance as the site is within flood zone 1 and is less than 1ha and therefore a flood risk assessment would normally not be required for this type of development but your Officers were provided with a drainage strategy.

5.22 Your Officers deemed it appropriate to consult with the drainage engineers due to the increase in impermeable land with the increase in car parking spaces. WODC Drainage Engineers have reviewed the submitted drainage strategy and had no objections to the scheme and a condition will be added to ensure the approved drainage scheme is constructed before the first use of the extended car park. Your Officers have considered on this basis that the scheme is acceptable and complies with Policy EH7 of the West Oxfordshire Local Plan and the NPPF 2021.

### **Trees and Ecology**

5.23 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.24 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.25 The proposed development will result in the loss of some grassland to facilitate the additional spaces. There has been previous pre application advice given for the scheme in which the previous WODC Ecologist advised where there is an area of high quality grassland and two orchid species present and advised the area to the east was preferable where possible. The applicant has fully recognised the area of grassland that is of a higher ecological value in which the encroached area is as minimal as possible whilst still facilitating the required spaces. There have been some suggestions and discussions with regards to moving the car park round to the east avoiding the area all together.

5.26 Your Officers have also recognised that the parking plan shows where existing shrubs and trees are to be retained around the area.

5.27 Due to the nature of the development and this area not highlighting any rare or notable plants nor any special species which are protected in anyway Officers considered at this stage it was unreasonable to ask for a preliminary ecological assessment of the site. Since then there has been further information from 3rd party consultees stating there is evidence of the rare Pyramidal Orchid. Your Officers consulted with the council's ecologist along with the estates biodiversity officer who stated their concerns with the loss of habitat along with the suggestion of a Construction and Environmental management plan.

5.28 The development would lead to a reduction in biodiversity value at the site. The Environment Act 2021 has now passed, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. Furthermore, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. The applicant has stated that they are willing to agree to both within the red edged border and outside of the red edged border but within Kilkenny Lane Country Park blue border mitigation to increase biodiversity but an amount has not yet been specified. Your Officers have considered that the impacts can be controlled by mitigation conditions and net gain can be achieved. A soft landscaping scheme for enhancement is appropriate to be submitted as part of a condition which would detail any existing shrubs and trees to be retained. The scheme will also need to detail, where there is loss of grassland or any shrubs that a scheme of enhancement is to be submitted with additional hedges and trees in an appropriate location and this is to be approved by the LPA. Along with this, information on bird boxes have been requested as part of the scheme. Officers have also detailed that where there are any pyramidal orchids to be removed during the development that they will be replaced or relocated. Officers consider that this would be appropriate and reasonable in the location and would provide a scheme with biodiversity net gain.

5.29 Your Officers have considered that while there would be some loss in biodiversity value in the immediate area, this is quite modest. With the conditions attached securing landscaping/planting/relocation of orchids officers are satisfied that net gain can be achieved. Your Officers have considered on this basis that the scheme is considered acceptable and complies with Policy EH3 of the West Oxfordshire Local Plan.

### **Other Matters**

5.30 Brize Norton Parish Council have made the following comments with regards to the scheme. They are pleased and commend that the car park has been planned in a way that it would not impact on the higher ecological value area. They have also commented with the preference of grasscrete being used rather than compacted stone on areas that are not original tarmac. Your Officers have made the suggestion to the applicants, however, officers consider that the use of compacted stone is acceptable. BNPC have also recommended the addition of EV charging points for car parking spaces 1 and 2. Whilst your Officers understand the request especially with many council owned car parks having EV charging facilities. The applicant has detailed there needs to be a commercially viable business case for installing the EV chargers. Following this, at this stage, Your Officers have deemed that it would not be reasonable to place a condition on the application for EV chargers due to the other nearby charging facilities in Carterton but understand that the Council may wish to add them into Kilkenny Lane Country Park at some point in the future. Brize Norton Parish Council have submitted an additional comment after their first which states they have received comments with regards to the location of the parking encroaching onto grassland of higher ecological value. Your Officers have considered that this has been addressed fully and whilst there would be some harm to the grassland, there will be suitable mitigation measures in place and net gain will be achieved

5.31 There could be a possible fall-back position with this scheme being permitted development. The Town and Planning Act (General Permitted Development)(England) Order 2015, Schedule 2 Part 12 Development by local authorities Class A states: permitted development, The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of— (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers; (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them'. Whilst your Officers have not completed a full and thorough assessment of Part 12 it is possible that the development could have been completed in this way. Nonetheless we have the application before us and therefore we are able to maintain control elements including ecology, highway safety and the materials being used for the scheme.

## **Conclusion**

5.32 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, E5, T2, T4, EH3 and EH7 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021

## **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 laying of any hard standing, a schedule of materials to be used in the development including the covering of hard standing and the timber post rail shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and retained here thereafter.

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

4. Prior to commencement of any works to the site, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, all pyramidal orchids that are to be removed during development will be replaced or relocated. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or

shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

5. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed prior to the first use of the development and thereafter retained and used for no other purpose.

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

6. Prior to commencement of development a Construction and Environmental Management Plan shall be submitted to, and approved in writing by, the local planning authority and thereafter implemented and carried out in accordance with the plan.

Details of the plan must include:

- Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
- Engage a suitably experienced ecologist to advise on the works
- Cover any excavations overnight to prevent wildlife entering and becoming trapped
- Search the area prior to works to check for protected species. If, for example, a badger sett is found then works must stop and a license from Natural England may be required.
- For works affecting scrub or trees, either avoid the nesting season (March to August incl.) or have an ecologist check the area for nesting birds prior to works. If a nest is found then a 5m buffer for works would typically be required until the chicks have fledged.

REASON: To ensure that protected and priority species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the NPPF, Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. Prior to the first use of the car park, the surface water drainage scheme shall be constructed in accordance with the drainage details submitted and approved within this application and provisions are to be retained here thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

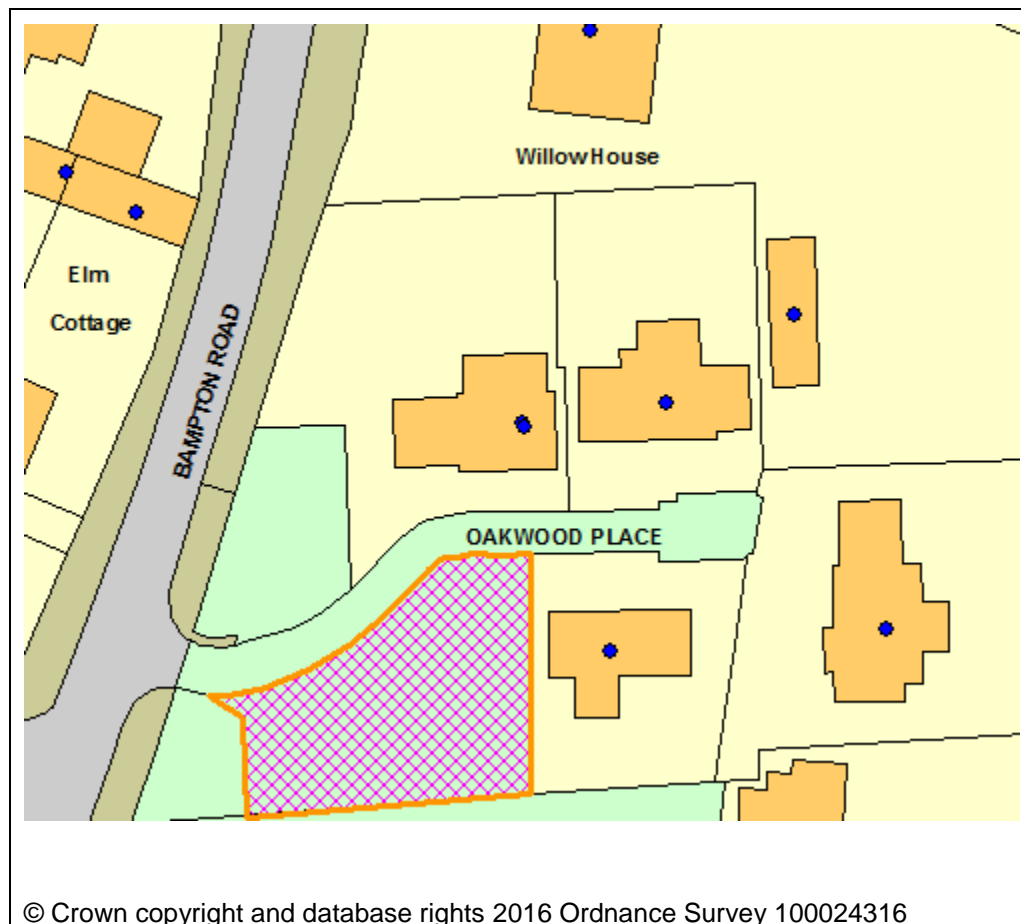
**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 28th September 2022

Application Number	22/01674/FUL
Site Address	Oakwood Place Lew Road Curbridge Witney Oxfordshire
Date	28th September 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Curbridge Parish Council
Grid Reference	432909 E 207916 N
Committee Date	10th October 2022

### Location Map



### Application Details:

Erection of single dwelling and associated ancillary works. Creation of visitor parking spaces.

**Applicant Details:**

Mr Ethan Conlon  
Staddle Stones  
Beech Grove  
Fullbrook  
Burford, Oxfordshire  
OX18 4DE  
UK

**I CONSULTATIONS**

Parish Council	<p>The Parish Council object to this proposed development for the following reasons:</p> <ul style="list-style-type: none"><li>• Parish Council noted District Council planning officer comments from 2016 about overdevelopment on this site.</li><li>• The land should be set aside for parking to stop on-road parking.</li></ul>
WODC Drainage Engineers	No Comment Received.
OCC Highways	<p>The red line application area does not include access to the highway.</p> <p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>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, subject to the following condition</p> <ul style="list-style-type: none"><li>• G28 parking as plan</li></ul>
WODC Drainage Engineers	No objection. Condition required
Thames Water	<p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they do not 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>



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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://www.thameswater.co.uk/developers/larger-scaledevelopments/planning-your-development/working-near-our-pipes>

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.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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

ERS Env. Consultation Sites Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

WODC Env Health - Lowlands Thank you for the opportunity to consult.

I have no objection in principle.

## **2 REPRESENTATIONS**

2.1 A summary of the representations received are detailed below. Full details can be found on the Council's website.

*1 general comment received relating to:*

1. Parking during construction; and
2. Highway safety

*4 third party objections received relating to:*

1. Highway safety;
2. Lack of a turning space;
3. Visitor parking will be used for the new dwelling;
4. Inadequate parking spaces;
5. Design;
6. Loss of light;
7. Overdevelopment;
8. Object to creation of visitor spaces as a turning space is preferred;
9. Loss of semi-rural character;
10. Delivery drivers and visitors using driveways to turn;
11. Poor outlook; and
12. Light pollution

## **3 APPLICANT'S CASE**

3.1 The application proposals represent a carefully designed scheme which, through the use of good design principles, will deliver a high standard of design. The site lies within the built-up area of a designated settlement and, in line with the principles of sustainable development, make effective use of available land and will make a modest contribution towards boosting the supply of housing available in the locality (NPPF paragraph 60 refers).

3.2 There is a clear and demonstrable need for additional housing given the significant affordability issues and historically poor delivery rates across the District, which have resulted in consistent under-supply of new homes. This application represents to a small-scale windfall site which can be quickly

developed by an SME developer. In line with policy OS2, the proposals make use of a vacant and under-utilised parcel of land which has no practical alternative use, reducing pressure to release land elsewhere in the District of a higher environmental quality.

3.3 The site is located sustainably, having regard to access available to local facilities and services. The proposal will help to support the vitality and viability of the settlement through modest population increase, and in the short term it will also support construction jobs during the build programme. The result will be a well-designed house that makes use of high-quality materials, reflecting and continuing the established vernacular style and intimate character and appearance of Oakwood Place. The proposal is also considered to be complementary to the wider character of the locality, taking into account existing and approved development nearby.

3.4 The limited scale of this proposal is in full accordance with all relevant detailed policy criteria and will not generate adverse impacts that would otherwise outweigh the benefits of permitting the application. Therefore, in line with NPPF and Local Plan policy, planning permission should be granted accordingly.

#### **4 PLANNING POLICIES**

H2NEW Delivery of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

#### **5. PLANNING ASSESSMENT**

5.1 The proposal is for the 'Erection of single dwelling and associated ancillary works. Creation of visitor parking spaces'.

5.2 The site is located on the eastern side of Lew Road Curbridge. It comprises of an area of amenity grassland associated with four recently constructed detached dwellings now known as Oakwood Place. The site is separated from the adjacent property to the east (No. 4 Oakwood Place) by a close boarded timber fence. The rest of the site is bounded by wire and timber fencing, some hedgerow and trees (mature Ash tree within the hedgerow and two Oak trees located close to the site entrance).

5.3 The Grade II Listed Building 'Duttons Farm Barns' is located 75m to the north of the site.

5.4 The site is within flood zone 1.

5.5 A Village Design Statement is being prepared locally to guide development in Curbridge but has not been adopted by the District Council as a Supplementary Planning Document.

5.6 There is some planning history associated with the site as follows:

- 14/0071/P/FP: Erection of four dwellings with associated parking and access, communal outside space and hub to create independent community for people aged 60+. Refused 24.04.2014 (Appeal Dismissed)

*By reason of its scale and location in a village lacking in many basic services and facilities, the development does not comprise infilling in a village where historically only infilling is allowed and would be an uncharacteristic form of unsustainable development that would urbanise the village streetscene and set a precedent for further such applications that in equity would be difficult to resist and which cumulatively would undermine the policies of general restraint upon development in the less sustainable parts of the district. The case advanced in favour of the proposal and other material considerations are not considered sufficient to justify a departure from the development plan or the general advice of the NPPF to resist unsustainable development. The proposal is therefore considered contrary to Policies H2 and BE2 of the adopted West Oxfordshire Local Plan and the advice of the NPPF to secure sustainable development.*

- 15/01257/FUL: Erection of 4 dwellings with private outdoor space, communal hub with additional communal outside space, allotments, further soft landscaping, new access, car parking; in all, to create an independent community for older people aged 60+. Approved 27.05.2015
- 16/01973/FUL: Erection of five dwellings. Refused 18.08.2016

*By reason of the design, siting and scale of the five dwellings and associated outbuildings the proposals are considered to constitute an overdevelopment of the site which will adversely urbanise the semi - rural character and appearance of the village street scene and further appear at odds with the generally smaller scale linear pattern of development that characterises the southern part of the village. This urbanising impact is likely to be further exacerbated by the pressure to lop and trim back existing mature tree and hedgerow planting which presently surrounds the periphery of the site due to relatively small proposed garden areas serving the detached dwellings. Further, as a result of the harm to the street scene and character of the area, the setting of the nearby listed buildings located to the north known as Dutton's Farm would be harmed, although this harm is judged less than substantial. The proposal is therefore considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011, Policies OS1, OS2, OS4, H2 and EH7 of the emerging Local Plan 2031, and relevant paragraphs of the NPPF. The level of harm identified is not outweighed by the limited benefits of the proposal when assessed against paragraphs 134 and 14 of the NPPF.*

- 16/03298/FUL: Erection of five dwellings with associated works and provision of vehicular and pedestrian accesses. Withdrawn 19.12.2016
- 17/01318/FUL: Construction of four detached dwellings and formation of vehicular access. Approved 14.06.2017

- 20/03101/S73: Variation of conditions 2 and 13 of permission 17/01318/FUL to allow amendments to the internal road realignment and drainage scheme. Approved 05.01.2021

5.7 The following planning history on land located immediately to the south of the site is also applicable:

- 20/01655/FUL: Erection of four new dwellings and associated works (AMENDED PLANS). Refused 28.01.2021 (Appeal withdrawn) reason of the siting, the proposed development will result in an urban form which does not form a logical complement to the existing pattern of this part of Curbridge. The proposed scale of the built form will be highly visible and will urbanise the existing low density character of this part of the village. Furthermore the siting of the dwelling at Plot 3, will result in a loss of residential amenity in terms of loss of privacy and overbearing to the existing properties at Glebe Cottage and Glebe House. In addition it has not been demonstrated that a suitable and effective method of discharging surface water has been explored to prevent flooding on and off the application site. Furthermore a FRA has not been submitted to assess the flooding risk.

The proposal is therefore considered to be contrary to Policies OS2, H2, EH7 and OS4 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

- 21/02175/FUL: Erection of four dwellings, with garaging and parking along with upgrading of the access onto the Lew Road and associated works. Approved 15.10.2021

5.8 The application is before the Lowlands Area Planning Sub-Committee as the officer recommendation is contrary to the views of the Parish Council.

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;
- Heritage Impacts;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities; and
- Conclusion

### **Principle of Development**

5.10 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (referred to as Salt Cross).

5.11 Curbridge is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.

5.12 Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages.....on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.' The site is bounded by built form on all sides, as such, it is considered to be within the built up area and the proposed development can therefore be supported in principle.

5.13 The delivery of a single dwelling would also make a useful contribution in terms of housing land supply, helping to address the fact that in a recently dismissed appeal (ref: 3293656; Decision date: 10 August 2022) the Inspector concluded that the District Council cannot currently demonstrate a 5-year supply of housing land.

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

5.14 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.15 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the NPPF.

5.16 Policy OS2 sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a. Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b. Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c. Avoid the coalescence and loss of identity of separate settlements;
- d. As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- e. Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- f. Conserve and enhance the natural, historic and built environment; and
- g. Be supported by all the necessary infrastructure.

5.17 It is vital that Local Planning Authorities issue consistent decisions, particularly for similar development proposals on the same site. The background to this site is that Oakwood Place contains four newly constructed homes and a previous scheme for 5 homes (ref 16/01973/FUL) was refused owing, in part, to the urbanisation of the area (along with heritage and tree impacts). At that point, officers took the view that the site could only accommodate four homes. A material change must therefore occur that would warrant the LPA coming to a different conclusion than the previous refusal.

5.18 For this site, there are three major material changes. Firstly, the scheme refused in 2016 was assessed against a different Local Plan; as such, prevailing policies and guidance have changed. Secondly, the approved scheme for four homes are laid out in a different manner to the five refused homes, such that it was not just a matter of removing one of the homes. Thirdly, a further

development of four homes was approved on land to the south of the site in 2021 (21/02175/FUL) as such, the landscape has changed in the immediate area and it is not as rural as it was when assessed in 2016. Officers are satisfied that there is scope to come to a different conclusion than was found in 2016.

- 5.19 The development site is an area of amenity grassland intended to 'soften' the appearance of the four homes in Oakwood Place by creating a buffer between the new built form and the road. While that is noted, a detached dwelling and a semi-detached pair have now been approved (and are under construction) immediately to the south of the site. Those dwellings share a similar relationship to the road to the currently proposed dwelling. As such, the current single dwelling would be read in line with those homes approved to the south and would not result in a harmful urbanisation of the area as the area is now somewhat more urbanised than in 2016.
- 5.20 Oakwood Place is a high quality scheme of four 2 storey pitched roof detached homes with garages attached the side, mainly with accommodation above. Dormers are set into the eaves and high quality natural materials are utilised. The houses share a cohesive character and appearance; however, each dwelling has been individually designed. That design ethos clearly carries through into the single dwelling. Indeed, the same architect used for this single dwelling (TSH Architects) was also used for the Oakwood Place development.
- 5.21 To elaborate, the current dwelling is two storey, detached with a pitched roof and 4 out of 5 dormers set into the eaves. An attached garage with accommodation above is proposed. Matching high quality materials (Cotswold stone elevations, reproduction Cotswold slates roof tiles (such as Cardinal), timber/timber look windows) are also proposed. These will be secured by condition. The proposed dwelling is quite similar to, and clearly takes design cues from, the existing homes in Oakwood Place.
- 5.22 Officers are satisfied that the siting of the dwelling would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the buildings integrate successfully into the site and its surroundings (in particular the existing four homes in Oakwood Place) and would not be harmful to the character and appearance of the area. The proposed development is in accordance with Local Plan Policies OS2 and OS4.

## **Heritage Impacts**

- 5.23 The grade II listed Building 'Duttons Farm Barns' is located approximately 75m to the north of the site. 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.
- 5.24 Local Plan Policies EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.
- 5.25 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

- 5.26 With regard to the impact to the listed building. If approved, 5 homes would be erected in Oakwood Place and officers note that harm was found to the setting of the listed building as a result of a 5 home scheme in 2016. The officer report in 2016 explained that 5 homes would result in overdevelopment of the site which will adversely urbanise the semi - rural character and appearance of the village street scene and appear at odds with the generally smaller scale linear pattern of development that characterises the southern part of the village.
- 5.27 As set out above, the introduction of further built form to the south of the site has changed the landscape in this location and the semi-rural character has been somewhat eroded. The current scheme would appear more as an infill between built form rather than an encroachment into the landscape. Furthermore, the homes already constructed in Oakwood Place are very high quality and the application details set out that it is the intention to replicate this. Finally, the refused 5 home scheme was different in layout and scale to the four homes (plus the current dwelling) now proposed. Taking all of this into account, officers are satisfied that the proposed development would not cause harm to the setting of the listed building.
- 5.28 The proposal therefore accords with Local Plan Policies EH9 and EH11, and the NPPF insofar as they apply to the impact of the proposed development on listed buildings; and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Highway Safety**

- 5.29 Vehicular and pedestrian access to the new property will be via the existing shared access from the highway leading into Oakwood Place. The submitted planning statement explains that the garage benefits from internal dimensions according with the Oxfordshire County Council's parking standards. However, OCC requires internal dimensions of 6m x 3m whereas the garage is below this at 5.5m x 2.7m. The proposed dwelling therefore will benefit from two off-street parking spaces (one on the driveway and one within the garage) but only the driveway accords with the OCC guidance. While that is the case, there are no parking restrictions in the immediate area and the garage may still accommodate a smaller vehicle. Two further visitor parking spaces are also proposed in this application. Officers are satisfied that sufficient parking is present either at the site or in the immediate area to accommodate the parking requirements of the new dwelling.
- 5.30 Officers note the number of comments referencing the lack of a turning space within Oakwood Place and that this results in delivery drivers using private driveways to turn. While officers are sympathetic to this situation, it is an inconvenience, and not a sufficient reason to refuse the application. In any event, when the visitor spaces are unoccupied, this will result in an area to turn. Furthermore, OCC as the specialist highways officers have not objected to the proposal stating that 'the proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network'.
- 5.31 A comment was received explaining that during the construction of Oakwood Place, contractors parked on the highway and this resulted in highway safety issues by reducing visibility for those accessing their homes. In light of this explanation and when considering the size of the development site, officers consider securing a construction management plan by condition to be suitable. This will ensure the LPA maintains control over deliveries, parking and operating hours.
- 5.32 Officers are satisfied, based on the assessment above, that the proposed dwelling will have a safe and suitable access for all users and sufficient parking is proposed to serve the new and existing



dwellings. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; and Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

### **Drainage and Flood Risk**

5.33 The site is within flood zone 1 and the LPA drainage team has not raised an objection subject to securing a surface water drainage scheme. While the applicant has submitted details with regard to drainage in this application, the LPA drainage team do not consider the details to be sufficient and as such drainage details will be secured by condition.

### **Trees and Ecology**

5.34 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.35 The site is grassland with low ecological value, as such the scheme will not result in biodiversity loss. However, the proposed dwelling would be erected relatively close to a mature Ash and two Oak trees. While these are not protected, they are of amenity value and the submitted details explain that these are to be retained. As the Oak and Ash are outside of the red line, conditions cannot be added to the permission securing their protection and retention.

### **Residential Amenities**

5.36 The proposed dwelling would be erected in line with the adjacent dwelling to the east. As such, overbearing and overshadowing impacts are unlikely. However, owing to the siting of the new dwelling and the location of the first floor window serving a bedroom on the west side elevation of 4 Oakwood Place, some loss of light will occur to the occupiers of that bedroom. While that is noted, the window faces west so receives little direct sunlight and a further unobstructed roof light serves the bedroom. As such, the loss of light is not considered to be harmful to the living conditions of the occupier of the bedroom. The loss of outlook from this bedroom is also noted, however, outlook is available from the roof light as such, this impact, while noted, is not thought to be harmful.

5.37 New rear dormers are proposed that will look onto the development to the south. However, these views are to a front garden and turning head and are mitigated by the ash tree. As such, loss of privacy and overlooking impacts are unlikely.

5.38 Sufficient external amenity space is proposed to serve the dwelling.

5.39 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 from cars parking), odours or vibration.

### **Conclusion**

5.40 The development is supported in principle. The dwelling would not harm the setting of Duttons Farm Barns. The design, scale and appearance is acceptable and would not result in a harmful urbanisation of the area. Highways, amenity, ecology, trees and drainage impacts are also acceptable.

5.41 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

5.42 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. Prior to work commencing on the site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Hours of operation.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Delivery arrangements.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Wheel washing facilities

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

4. Prior to the carrying out of any construction work above ground level, samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

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

5. Prior to the erection of any external wall of the development hereby approved, 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur. 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 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 dwelling hereby approved shall not be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained as such thereafter. Where hedgerows are proposed, these shall be planted and thereafter maintained in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

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

8. The development shall be completed in accordance with the recommendations in the Preliminary Ecological Assessment 2022 (dated 11/05/22) prepared by 4 Acre Ecology Limited. All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.

REASON: To ensure that biodiversity is protected and enhanced 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.

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

REASON: Control is needed to protect the residential amenities of the existing and proposed occupiers, and to protect the visual appearance and context of the area.

## INFORMATIVES :-

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. 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).

3. 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/>

4. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

- Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (1.2 December 2021)
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- CIRIA C753 SuDS Manual 2015

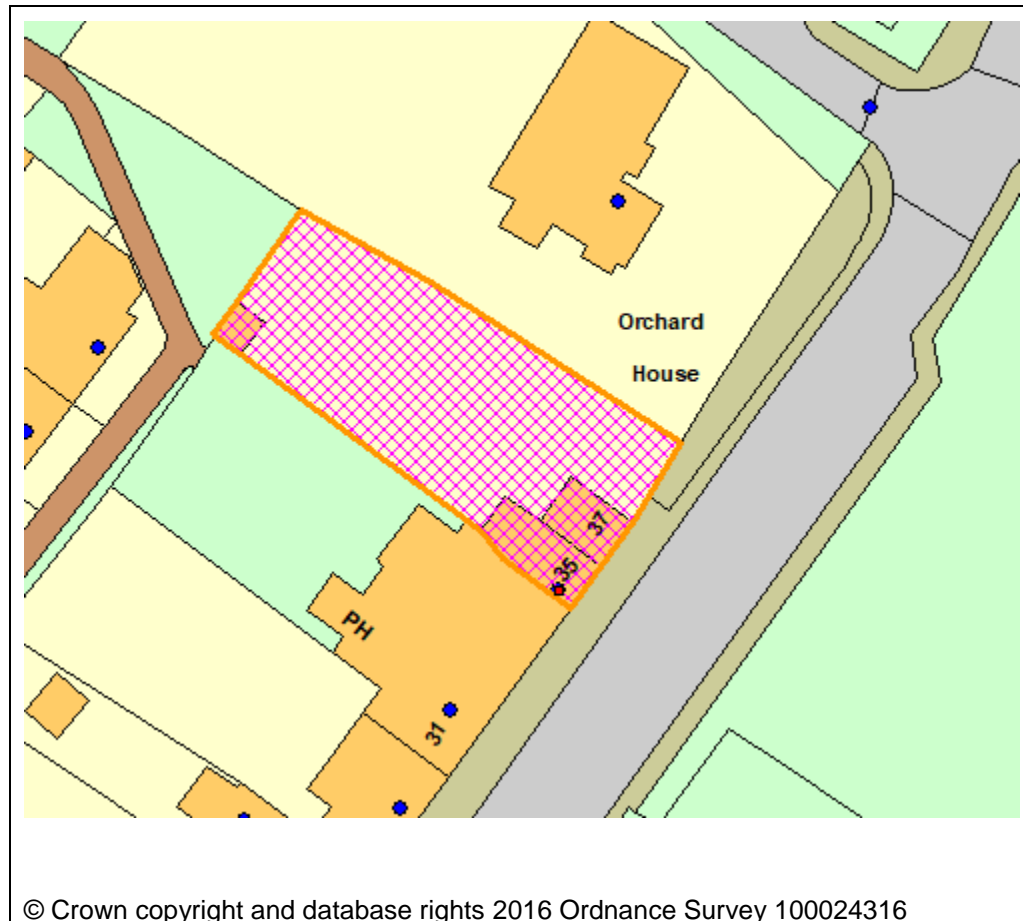
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 28th September 2022

Application Number	22/01835/LBC
Site Address	35 - 37 Woodgreen Witney Oxfordshire OX28 1DG
Date	28th September 2022
Officer	Tara Hayek
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	436007 E 210572 N
Committee Date	10th October 2022

**Location Map**



**Application Details:**  
Proposed eave/tile guard

**Applicant Details:**

Mrs Katy Lysley  
35 - 37 Woodgreen  
Witney  
Oxfordshire  
OX28 1DG

**1 CONSULTATIONS**

Parish Council

Witney Town Council has no objections regarding this application.

**2 REPRESENTATIONS**

2.1 No third party representations have been received.

**3 APPLICANT'S CASE**

3.1 Following a recent incident where a tile fell from the roof and nearly hit a pedestrian on the public footpath below, I would like to install a tile guard to the front of the property to prevent any potential future injuries or worst case scenario a fatality if a tile were to fall again and hit someone. I am proposing to install a tile guard similar to the listed pub next door and neighbouring property to that

**4 PLANNING POLICIES**

NPPF 2021

EH11 Listed Buildings

EH9 Historic environment

EH10 Conservation Areas

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

**5 PLANNING ASSESSMENT**

5.1 The application seeks listed building consent for a proposed eave/tile guard to a Grade II listed property at 35-37 Woodgreen, Witney.

5.2 The property is Grade II Listed with the following description:

*Two houses. Mid C18. Coursed limestone rubble; gabled stone slate roof; brick end stacks. 2-unit plan. 2 storeys and attic; 3-window range. Timber lintels over adjacent plank doors to centre and late C19/C20 twilight casements with glazing bars. Two gabled roof dormers with similar casements. Interior not inspected.*

5.3 The application is before committee as it is submitted by Cllr Michael Brooker.

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:

## **Impact on the Heritage Asset**

5.5 35-37 Woodgreen is a Grade II Listed Building dating from the mid-18th century. It is located in Witney and Cogges Conservation Area.

5.6 Because 35-37 Woodgreen is Grade II listed, 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 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.7 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

5.8 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 case, the application has been furnished with a heritage statement which has addressed the significance of this listed building and described the public benefit - i.e. in this case the safety to the public by installing a guard to protect against falling slates. Officers concur with this assessment.

5.9 The proposal is considered minor and reversible and will not harm historic fabric and significance of this listed building, and Officers consider this equates to the lower level of less than substantial harm.

5.10 Also, 35-37 Woodgreen is located in Witney and Cogges Conservation Area, and Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area.

5.11 The addition of the tile guard is a minor alteration, and reversible and is not considered to affect the character of the listed building, and Officers consider the proposed changes will not impact on the Conservation Area.

## **Conclusion**

5.12 Therefore, Officers are satisfied that the works proposed will preserve the essential special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage asset will be sustained, in accordance with Section 16 of the NPPF.



5.13 And, because the addition of the tile guard is a minor alteration, and reversible and is not considered to affect the character of the listed building, Officer's consider the proposed changes will not impact on the Conservation Area thus respecting the special qualities and historic context of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

5.14 The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance. The works are considered to preserve the special character, setting and significance of the listed building, and of the Conservation area. As such, listed building consent should be granted.

## **6 CONDITIONS**

1. 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.

2. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

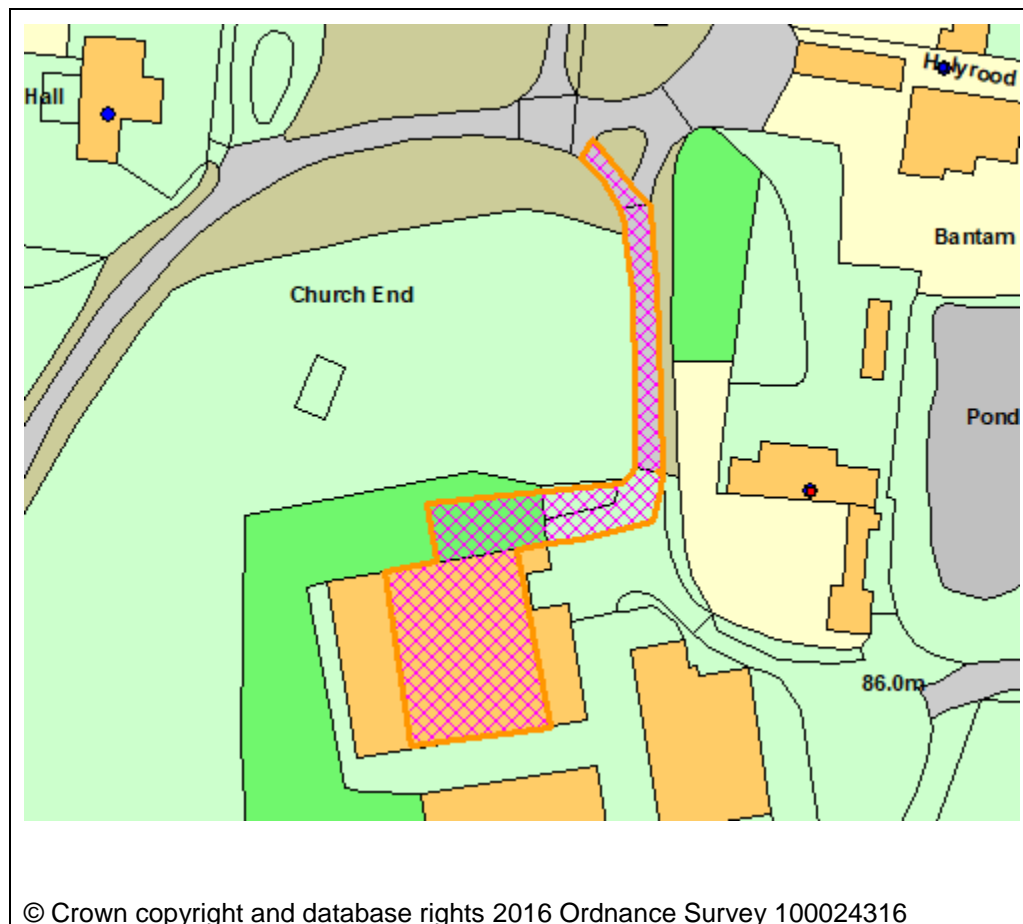
**Contact Officer:** Tara Hayek

**Telephone Number:** 01993 861666

**Date:** 28th September 2022

Application Number	22/01881/S73
Site Address	Church Farm Church End South Leigh Witney Oxfordshire OX29 6UR
Date	28th September 2022
Officer	Elloise Street
Officer Recommendations	Approve
Parish	South Leigh Parish Council
Grid Reference	439385 E 208884 N
Committee Date	10th October 2022

### Location Map



### Application Details:

Removal of condition 4 of planning permission 20/03306/FUL to allow continued use of building as storage unit.

**Applicant Details:**

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

**I CONSULTATIONS**

Parish Council

(1)The Applicant (Church Farm Partnership) are novices in the running of self-storage units and there is no current use under the terms of the grant (2)Church End, South Leigh where the business would be sited is a dead end with no commercial, non-agricultural businesses (3)The number of conditions imposed on the original grant (and now not challenged show the sensitivities of the site) (4)The condition now challenged was imposed "until the effects of the development on the area have been assessed" - indeed as the applicant's representative said at the planning meeting in 2021 there had been issues raised by the village which included the "impact on highways, hours of use and lighting." The reason for the condition was not simply because of traffic concerns.

(5)The issues that were considered by the Lowlands Planning sub-committee on the grant were site specific and remain site specific - (The applicants themselves must accept that the issues in cases such as these are site specific as their cited appeals show - paragraphs 7-10 of the Donnington Manor decision, paragraphs 8ff of the Great Yarmouth decision and paragraphs 10ff of the Welsh decision.) (6)the use of figures from a trade body cannot resolve how these operators in this site operating their business will effect this area until the business has been in operation. Who will be their clients? - will it be business clients, for instance, letting to users who need easy frequent access - i.e. businesses in Witney with limited storage at their own premises. Obviously and understandably the applicants will want to maximise their profit and will consider that rather than amenity as a priority (7) The applicants in their original application estimated that each customers would visit "twice a week on average" (4.11 of original application) i.e. 20 x 2 = 40 visits a week, they are now saying it would be less than 2.2 overall per day - 5.3 of the current application - which is right? - it will depend on their customers of which there can be no control by the village or indeed by the planners. If the figures are as they project and additionally there is no adverse effect on the area then the applicants can bring figures and details in due course, the village can be consulted and the removal of the condition can be sought (and perhaps consensually agreed) but it is submitted not until then.

(8)SLHC PC oppose the removal of the condition until "until the

effects of the development on the area have been assessed"

#### OCC Highways

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

Recommendation:

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

#### WODC Business Development

I have no objection to this application from the economic development perspective

#### ERS Env. Consultation Sites

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.

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

Regards

Jackie McLaren  
Technical Officer - Contamination

#### WODC Env Health - Lowlands

Mr ERS Pollution Consultation No objection in principle to the removal of condition 4.

## 2 REPRESENTATIONS

2.1 No third party representations have been received to date.

## 3 APPLICANTS CASE

3.1 The Design and Access Statement is concluded as follows with the full statement on the Council's website:

This application seeks to remove condition 4 of application reference 20/03306/FUL. This condition restricts the permitted self-storage site from operating longer than 4 years from the date the permission. The Applicant has not yet implemented the consent due to concerns over this condition.

The reason why the condition was imposed is because, as set out in the Planning Committee Minutes, is because the "issue of traffic was a huge unknown with the application".

This report has drawn on industry research undertaken by the SSA UK. Their 2021 industry report gathered responses from 1,226 customers using self-storage of which 73% were domestic and 27% were business customers. From this research, it can be deduced that a self-storage site with 20 containers is likely to generate approximately 2.2 visits per day. Given that these figures are based on research involving actual users of self-storage units, they can be relied upon with a high degree of confidence.

The SSA UK research highlights how 72% of respondents visited their self-storage unit once, or less, per month, and only 5% visited once or more a day.

An existing site discussed at appeal generated 16 visits per day, on average, in connection with 228 storage containers. When scaled down this equates to just 1.4 trips associated with 20 containers.

The South Leigh Neighbourhood Plan specifically provides support for B8 storage development provided it does not lead to a significant increase in vehicle movements on rural roads. The condition is not considered necessary to test such an impact when vehicle movements associated.

On this basis, the issue of traffic is a known, the intensification will not be significant, and the condition is unreasonable.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH11 Listed Buildings

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

SLD6 South Leigh NP

SLE6 South Leigh NP

SLE7 South Leigh NP

SLT1 South Leigh NP

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 This application is made under section 73 of the Town and Country Planning Act (1990) (as amended) for variation of condition 4 of planning permission 20/03306/FUL to allow continued use of building as storage unit at Church Farm, Church End, South Leigh, Witney.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the application was called in by Cllr Levy and South Leigh Parish Council have objected to the proposed removal of condition.

5.3 The site relates to an area which comprises of approximately 24.12 acres and has a range of agricultural buildings in which the subject of the previous application was to change the use of an agricultural building to B8 storage.

5.4 The site is not located within a conservation area nor within any areas of special designated control.

5.5 The planning permission subject to this application is 20/03306/FUL which was approved 19th March 2021, the proposal was for the change of use of an agricultural building to B8 storage and construction of associated hardstanding and was approved at the Lowlands Planning Sub-Committee.

5.6 Relevant planning history

20/03306/FUL - Change of use of an agricultural building to B8 storage and construction of associated hardstanding - Approved

21/01628/FUL - 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). - Refused

21/02106/FUL - Construction of pond for ecological enhancement and recreational purposes. - Approved

5.7 Officers consider the key considerations of this application to be:

- Principle of Development
- Design and Siting of the proposed
- Impact on residential amenity
- Highways
- Other Matters

### **Principle of Development**

5.8 The application seeks planning permission to remove condition 4 of the previously approved permission 20/03306/FUL.

Condition 4 states: *The use hereby permitted shall be discontinued and the land restored to its former condition on or before 4 years from the date of this permission.*

*REASON: A permanent permission is inappropriate until the effects of the development on the area have been assessed.*

Section 73 of the Town and Country Planning Act allows for applications for the removal of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be reconsidered under this application.

5.9 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application, Officers will consider the impact of the proposed changes on design and siting and residential amenity, highways and any other matters

5.10 Following this it will also need to be considered if any further conditions need to be attached to any new consent.

### **Design, Siting and Visual Impact**

5.11 As the application is for the variation of Condition 4 which is not in relation to the design of the scheme, there are to be no design changes. The scheme is to remain the same with just the one building being changed to B8 storage with 20 self-storage units and the proposed hardstanding is to remain the same at 8m wide and 18m in length. Given the scheme was considered acceptable in the previous scheme and there are no material changes to the design of the scheme. Officers consider that the proposed is still acceptable in terms of design, siting and visual impact.

5.12 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with. The design also adheres to the West Oxfordshire Design Guide and is considered a secondary and subservient addition to the host dwelling.

### **Impact on Neighbouring amenity**

5.13 Given the nature of the proposed scheme remains the same from the approved permission with no physical changes to the building from the approved, Officers consider that the proposed change of use is still not going to cause any resultant impacts in regards to being overbearing, or causing a loss of light or over shadowing. It is important to note that the removal of condition 4 is to allow the business to remain indefinitely without a time limitation. There were no concerns that there would be significant harm of noise pollution in the previous application. Following the additional information provided on approximate and estimated numbers of vehicles attending the area, Officers are of the opinion that the proposed development would not cause harmful noise impacts to neighbouring properties or the wider village of South Leigh.

### **Highways**

5.14 Access to the site is to remain as proposed within the original permission, there are to be no changes to the access nor to the proposed hardstanding for parking provision. Officers deemed it appropriate to consult with OCC Highways as Condition 4 was imposed by Members due to concerns relating to highways issues. OCC Highways have not objected to the scheme and have the same stance as the previous application. Officers also note that whilst third party consultee objections to the scheme on highway grounds were raised, in consideration of the previous application, there have not been any comments on this scheme. In light of this, the proposed is still considered acceptable in terms of highways concerns and complies with Policy T4 of the West Oxfordshire Local Plan 2031

## Removal of Condition 4

5.15 Condition 4 is the subject of this application and will be assessed in further detail. Condition 4 states:

*The use hereby permitted shall be discontinued and the land restored to its former condition on or before 4 years from the date of this permission.*

*REASON: A permanent permission is inappropriate until the effects of the development on the area have been assessed.*

5.16 Officers note that this condition was imposed by Members due to concerns from the South Leigh Parish Council with regards to the impact of the increased traffic volumes to Church End and that the South Leigh Neighbourhood Plan 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 businesses provided that: it does not significantly increase traffic on the rural roads in the Parish". This condition was imposed in order to assess the impacts of a new business in this location.

5.17 The previous permission has not yet been implemented, as the applicants wish to feel financially stable in their investment with no risk of having to remove the business should a subsequent application not be approved. It is therefore important that the application be considered based on the information provided rather than previous information or speculative information.

5.18 It is also important to note that the reason for imposing condition 4 was... "A permanent permission is inappropriate until the effects of the development on the area have been assessed". These effects related specifically to highway concerns.

5.19 In light of this, the applicants have submitted supporting information with research from the Self-Storage Association with regards to traffic numbers visiting self-storage units. Based on the figures provided the applicants have come to the conclusion that the 20 containers would generate approximately 2.2 visits per day. Whilst the preference would have been to have the self-storage units in situ and the evidence based on the actual development, the information provided has been considered to be justified and explanatory. Typically, in an application this would be considered an appropriate amount of evidence, especially where no highway concerns have been raised.

5.19 The site is a well-established agricultural unit of over 24 acres of land and there is evidence of this being a farm business for over 150 years with the likelihood of many different farm vehicles accessing the site. Therefore it can be assumed there has always been some form of traffic going to and from the site whether that be cars, tractors etc. It is necessary therefore to consider whether the increase in traffic would be considered significant and therefore contrary to South Leigh Neighbourhood Plan Policy SLD6.

5.20 In addition to the evidence on the approximate number of cars visiting the units, there is also a condition to limit the hours of use. This, in effect, limits traffic to certain times of the day, which would also help to reduce the impact of the proposed development on any neighbouring properties. The previous application also imposed a condition limiting the use for B8 storage only and therefore there would be no concerns with the business being used for something other than storage without a further application requiring to be submitted.



## **Conditions remaining**

5.21 Decision ref. 20/03306/FUL was subject to a total of 10 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to 20/03306/FUL for relevance on this decision and shall address any further conditions to be applied.

5.22 Officers note that there haven't been any discharge of conditions at this stage and therefore all 10 conditions are still in place. Officers have considered that condition 1 has not yet been implemented and therefore this condition will be revised to include the permission reference and date of the original approval will be reapplied.

5.23 Officers have considered that the other 8 conditions are still applicable for this application and will be reapplied, they have also considered that there are no further conditions that need to be applied to this permission.

## **Other Matters**

5.24 South Leigh & High Cogges Parish Council have objected to the removal of condition 4. They state that the reason for the condition was not related to just traffic concerns and that there had been issues raised in relation to hours of use, lighting and highways. It is important to note that this permission is purely seeking to remove one condition which is the time limit condition. The conditions relating to hours of use and lighting are proposed to be retained. Officers consider that the removal of condition 4 would not be detrimental to neighbouring amenity and the amenity of South Leigh. In addition, whilst South Leigh & High Cogges Parish Council state that the location is a dead-end with no commercial, non-agricultural businesses, Officers consider that, whilst it is at the end of the lane, South Leigh as a whole is a sustainable location for business use especially of this nature as it is 2.5km away from Witney and 2.5km away from Eynsham and is close to the A40. Whilst there have been concerns from the Parish Council with regards for the types of clients using the units, Officers have considered it unreasonable to now impose an additional condition to limit the clients visiting the units, particularly given the small size of the units proposed. SLHC Parish Council also have concerns with regards to the number of uses, making reference to the information from the previous application. The applicants have provided further up to date and informed research on likely vehicle movements to a self-storage unit which has been supported by recent appeals which have had similar vehicle movements. All information provided supports the removal of the condition to allow the business to fully establish without the 4 year tie.

## **Conclusion**

5.24 It is considered that the removal of condition 4 is acceptable, and the proposed development accords with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations. It is therefore recommended that the removal of condition 4 of permission ref. 20/03306/FUL be granted

## **6 CONDITIONS**

- I. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref: 20/03306/FUL; issued 19.03.2021

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 on previous permission 20/03306/FUL.

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

3. The development shall be constructed with the materials specified in the previously approved application 20/03306/FUL.

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 premises shall be used for B8 Storage; and for no other purpose (including any other purpose in Class B; of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

5. The use shall not take place other than between the hours of: -

Mondays - Fridays: 08:00 to 18:00

Saturdays: 10:00 to 16:00

Sundays and Bank Holidays: 12:00 to 16:00

Christmas and Easter: Closed

REASON: To safeguard living conditions in nearby properties.

6. The development shall be completed in accordance with the measures outlined within Section 3 of the Precautionary Working Method Statement, dated 23rd February and 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 the reptiles, amphibians, birds, bats, badgers and hedgehogs 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, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Before the building first comes into use, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and/or nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) either mounted onto the walls of the buildings or suitable mature trees on site, as well as holes/gaps within all fences/walls for hedgehogs, 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 building/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and to ensure continued permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

8. Before the building first comes into use, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible.

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

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

9. Unless otherwise agreed in writing by the Local Planning Authority, the hedgerow to the North and West of the application site, shall be retained. If the hedgerow is to die, be removed or become seriously damaged or diseased then it shall be replaced in the next planting season with other plants of a similar species.

REASON: To safeguard features that contribute to the character and landscape of the area.

**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 28th September 2022