

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 27th February 2023**

### **REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT**



**Purpose:**

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

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director.

The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

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

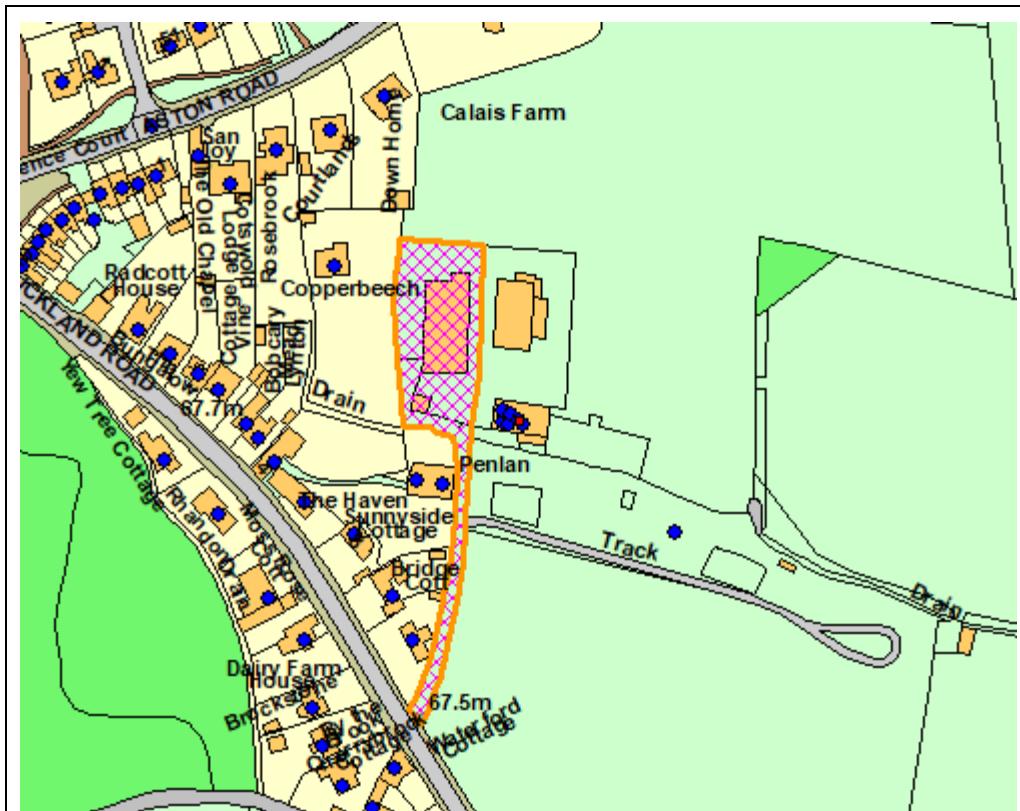
Please note that:

- I. 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>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
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30 - 53	22/01068/FUL	T Robins Building Avenue Three	Esther Hill
54 - 108	22/01384/OUT	Land North East Of Ducklington Farm Course Hill Lane	David Ditchett
109 - 121	22/03327/FUL	Singe Wood Stables White Oak Green	Elloise Street

Application Number	21/03758/FUL
Site Address	Calais Farm Building Buckland Road Bampton Oxfordshire OX18 2AA
Date	16th February 2023
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431976 E 203087 N
Committee Date	27th February 2023

### Location Map



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### Application Details:

Change of use and sub-division of building C to Class E (g)(unit 2) and B8 storage (unit 1 and unit 3) use (retrospective)(amended application)

**Applicant Details:**

M E And S M Shayler  
6 Broad Street  
Bampton  
Oxon  
OX18 2LS

**I CONSULTATIONS**

Parish Council

Bampton PC

1. The site is within the village and not suitable for light industrial use. This site has already been overdeveloped without appropriate planning consent. The suggested application will adversely affect the character and appearance of the adjoining Conservation Area.
2. This is a residential area, with houses backing onto the site, and is adjacent to an area that has been designated by WODC as a Conservation Area. The plans would have a detrimental affect on these houses, generating noise, smell and traffic movements. The 'tourvan' barn already converts large vans, using loud machinery, and activity seems to continue at least 6 days a week, often into the late evening.
3. Access to the site is down an unmade-up lane which is not suitable for lorries. An adjoining resident has stated to the Parish Council that the Applicant does not own this access, only having an established agricultural right over it. We therefore question the accuracy of the site plans for both applications. They imply the Applicant owns the lane, and could therefore preclude any improvements that planning officers might condition should they be minded to approve the application. In addition, when lorries access the site, they have to cross onto the grass verge. They also block the Buckland Road when attempting this manoeuvre.
4. Both applications state there is 'no trade effluent'. It is our belief this is not the case and there is evidence of industrial waste being collected from the site (oil salvage). The area is known to be prone to flooding and is therefore unsuitable for the storage of waste. If flooding did occur, it would increase the risk of substantial contamination into the Shill Brook and subsequently the Thames. The provision of grease traps and a detailed Environmental Survey should therefore form part of the applications.
5. The applications state surface water drainage via soakaway, which we feel is inadequate for the activities being carried out. Water running off roofs and the tops of storage containers needs to be managed. Applications for industrial units should require a proper surface water disposal report. Surface water from this area has been known to flood nearby houses. Extensive hydrology reports, commissioned by the Parish Council when the site was suggested for houses, makes it quite clear that development on the proposed site will cause a flooding risk. It is understood that the current development has already made this worse. Further development would

increase the risk. An important culvert in preventing flooding - identified in the same reports - runs across the site and is vulnerable to heavy vehicles crossing it.

6. The Applicant states sewage is disposed of via a septic tank. As this was an agricultural/horse based barn/farmyard, the exact capacity of this needs to be established. The sewage requirements for industrial units would be entirely different. As far as the Parish Council can ascertain, no building regulation application has been made to install suitable plant.

7. Under the clause for waste storage and collection the Applicant has written- N/A. This is not a satisfactory answer given that it is highly likely the proposed industrial units would create waste.

8. The Parish Council is not averse to developing these types of units but feels the location is inappropriate. There are more suitable locations available, such as at the old Bampton Castle signals camp. This has few residential neighbours, good facilities and easy access.

9. A previous application to use a barn on the site as a joinery workshop, in 2003, (see link below) was only approved with tight restrictions. If this application was approved, we would expect even stricter ones to be imposed  
[https://publicaccess.westoxon.gov.uk/onlineapplications/files/315BB37BBA47BA3DA68F57F19ED934E5/pdf/W2003\\_1661--234.pdf](https://publicaccess.westoxon.gov.uk/onlineapplications/files/315BB37BBA47BA3DA68F57F19ED934E5/pdf/W2003_1661--234.pdf)

10. To the questions 'will this increase flood risk elsewhere' and 'is the site within 20m of a watercourse', the Applicant has said no. However, the flood risk map shows both the proximity of the site to the Flood Risk area and also shows the main drainage ditch of Ampney Orchard and its route towards the Thames as being immediately next to the site. This ditch takes all the surface water drainage from New Road, Colvile, Chandler and Bowling Green Closes, Fox Close and Pembroke Place. As stated above, when this site was proposed for housing, the Parish Council commissioned extensive hydrology modelling which shows it is indeed prone to flooding. This was accepted by the Planning Inspector and cited as one of the reasons the development was turned down. We can provide copies of these reports if necessary.

### 23.1.23

#### OBJECTION

Objecting on grounds that comments submitted in response to original application have not been addressed.

WODC Env Health -  
Lowlands

No comments received

OCC Highways

The uses as described generate a similar amount of traffic to the existing lawful use and as such difficult to resist.

WODC Business Development

A successful rural economy relies on a range of business types in our villages and it is sites like Calais Farm Buildings that reduce the need for people to travel long distances to work, host businesses that support other local services such as the shops and pubs and generally help the rural economy to prosper. We need to protect sites like these for business use and I therefore wholeheartedly support both applications.

The number of current occupiers demonstrates the need for the site and also the diversity of business types. Within the last year the Council has supported some of the businesses on this site with grants through our Business Growth Scheme using COVID funds. We need to support these businesses and protect their premises.

## 2 REPRESENTATIONS

2.1 There were nine objection responses, summarised as follows:-

- Unsocial business hours/ Alleged operation outside of allowed hours
- Increased flood risk to village
- Highways issues
- Heavy traffic on single lane track
- Lorries blocking the lane and causing traffic to back up, manoeuvring on both sides of the road and mounting the grass verge to negotiate sharp turn into Buckland Road
- Poor visibility at track exit with a danger to pedestrians
- Noise and light pollution
- Lights from vehicles shining into gardens and windows
- Dust pollution in dry periods from traffic on the access track
- Inappropriate for a Conservation area
- Out of keeping with the residential character of the area
- Landscape concerns
- Visibility of the development from Buckland and Aston Road
- Concerns about privacy from vehicles using the single track lane
- Neighbourliness
- Contrary to general principles of policy OS2 of the West Oxfordshire Local Plan 2031
- Design and Layout
- Local Ecology

2.2 There were two support responses, summarised as follows:-

- Noise has not been an issue
- Volume of vehicles have not been an issue

- Buildings have been there for 30 years
- The site provides support for local business e.g. storage and workshops

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

3.1 The applicants have owned Calais Farm since 1984 and their land extends to approximately 25 acres. In 2003 BSE "mad cow disease" decimated many farm businesses and as a result Mr Shayler took retirement and curtailed the equestrian side of his business. The main existing planning use is still equestrian. In 2003 Building A was granted permission for light industrial/storage purposes. Since the change in 2003 the equestrian use has virtually ceased and all three buildings are now used for a variety of light industrial/storage uses.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

EH10 Conservation Areas

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 This is a part-retrospective planning application for a change of use of a former farm building ("Building C") at Calais Farm from agricultural use to light industrial and storage. It arises from an enforcement complaint investigated by officers.

5.2 There are three similar portal-framed utilitarian buildings on this part of the Calais Farm Site. An application for change of use of another building ("Building B") is also under consideration (21/03761/FUL). In 2004, retrospective permission was granted for change of use of the southernmost and smallest of the three buildings, "Building A" from agricultural use to a joinery workshop (W2003/1661). The applications were submitted following an enforcement query relating to the commercial use of the other buildings on the site.

5.3 An application for a certificate of lawfulness in respect of the commercial uses of Buildings B and C was submitted and refused in 2021 on the basis that insufficient evidence had been provided to demonstrate the uses of those buildings had been ongoing for the necessary period of time to become immune from enforcement action.

5.4 The site previously formed part of Calais Farm and is located adjacent to the eastern edge of the built-up area of Bampton, lying between the Buckland and Aston Roads. There is a band of trees on the western boundary of the site which lies open to the north and east and borders fields. Permission was granted in 1993 (W93/1415) for the change of use of

one of the barns from agricultural to equestrian use and the current lawful use of the site (with the exception of Building A) is considered to be agricultural/equestrian.

5.5 Building C has been subdivided into three separate units: C1, C2 and C3 occupying 2000, 1000, and 2000 sq feet of floor space respectively. At the time of the original submission of the application, unit C1 was occupied by a business, Tour Van; unit C2 was occupied by a hobby mechanic and unit C3 was occupied for storage of a hobby collection of 12 classic cars. The applications as originally submitted also sought permission for the siting of several storage containers around the site which were let by local people and small businesses.

5.6 Officers were unable to support the applications as originally submitted for the following reasons: County Highways considered that the access onto the Buckland Road is substandard and that the proposed intensification of use from the lawful agricultural/equestrian would cause hazard and be detrimental to the safety and convenience of highway users. Secondly, Officers considered the siting of the numerous storage containers outside the buildings to be unsightly, giving a cluttered effect and detrimentally impacting on views across the fields from the Aston and Buckland Roads to the north and south.

### **Current position**

5.7 Following negotiation, various changes have been made on site and the applications have now been amended. The separate storage uses are no longer part of the applications and the several containers previously included within the applications have been removed from the site. When the applications were first submitted, Building A was being used by a mechanic's business in contravention of the 2004 permission, a use which is likely to have increased vehicular access and egress to the site. The mechanic has now vacated Building A and the whole of it is being occupied by Tour Van (the business formerly occupying part of Building C), a business that converts vans into recreational vehicles/camper vans.

5.8 What is now applied for is storage use of the unit which Tour Van previously occupied (C1), storage use for unit C3 (currently storing hobby cars) and light industrial use of unit C2.

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

### **Principle**

5.10 As mentioned above, Unit A already has permission for a joinery use and so the principle of some commercial use on the site is already established. Bampton is categorised within the WOLP 2031 as a rural service centre suitable for a "modest level of development". Policy E2 provides that new small employment sites in or adjacent to service centres will be supported where they are commensurate with the scale of the settlement and the character of the area. Policy E3 states that the re-use of non-traditional buildings, including

modern farm buildings, for employment, tourism and community use will be supported within or adjoining service centres, provided that the following criteria are met:-

- the general character and form of the building(s) are not harmful to the surroundings; and
- the scale and type of use is suitable to its location and will not result in excessive alteration (s) or extension(s) to the host building.

5.11 In this case, the character and form of the buildings which are fairly typical of modern agricultural utilitarian structures are not considered to be harmful to the surroundings. There are no proposals for alteration or extension.

### **Visual Impact and Impact on the Setting of the Conservation Area**

5.12 The site is situated outside the Bampton Conservation Area but is close to its eastern edge. Since no alterations or extensions to the buildings are proposed the setting of the Conservation Area is not considered to be affected and whilst the buildings are visible from both the Aston and Buckland roads, the change of use will not impact on visibility. Imposing a condition to prevent outside storage would however be recommended to protect visual amenity.

### **Highways**

5.13 Following amendments made to the applications, the uses of the buildings across the site are considered to generate fewer traffic movements. Although it has been pointed out the access is an unmade, single track lane, it should be borne in mind that the original equestrian/agricultural use has potential for creating a number of vehicular movements each day, some of which might be larger vehicles, such as tractors and horse boxes. The ownership status and condition of the access track are matters in the realm of civil law and cannot be considered in taking planning decisions. On re-consultation Highways have confirmed that the "scaled-back" proposed use of the site is acceptable in terms of highway safety.

### **Residential Amenities**

5.14 The building is situated at some distance from the two closest dwellings. Four thousand square feet of the overall footprint of 5000 square feet is proposed to be used for storage. The remaining 1000 square feet of space would be used for light industrial purposes (Class E(g)). Officers consider that conditions limiting hours of use/access and preventing further changes of use from light industrial use would address any amenity issues that might otherwise be experienced by residents. This would be consistent with conditions imposed on the existing permission for Unit A.

### **Flooding**

5.15 The site is situated in Flood Zone I and as such is considered to be at low risk of flooding.

## **Conclusion**

- 5.16 The reuse of this former agricultural building to provide storage and a relatively small amount of light industrial working space to support local business in Officers' view, given no external alterations are proposed and on the basis that the recommended conditions are imposed, is a use commensurate with the scale of the site and the character of the area. Light industrial use should not impact adversely on residents' amenity. The proposals as amended are therefore considered to be in accordance with policy and for the reasons given above the application is recommended for conditional approval.

## **6 CONDITIONS/REASONS FOR REFUSAL**

- 1 Business activity shall not take place on the site before 8.00 a.m. on weekdays and Saturdays or after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays and shall not take place at any time on Sundays, or Bank Holidays.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

- 2 No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building(s).

REASON: To protect the residential and visual amenities of the locality and to ensure there is no interference with the circulation and manoeuvring of vehicles on the site.

- 3 Unit 1 and unit 3 of Building C shall be used only for storage purposes and unit 2 shall be used only for a use within Class E(g) and in each case for no other purpose (including any other purpose in Class E 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 uses specified because of the special circumstances of the site.

- 4 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), permission shall be sought for any development normally permitted under Article 3 and described within Class A of Part 7 of Schedule 2 to that Order.

REASON: To ensure there is control over any alterations which may result in an increase in floor area on this limited site.

- 5 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light

sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

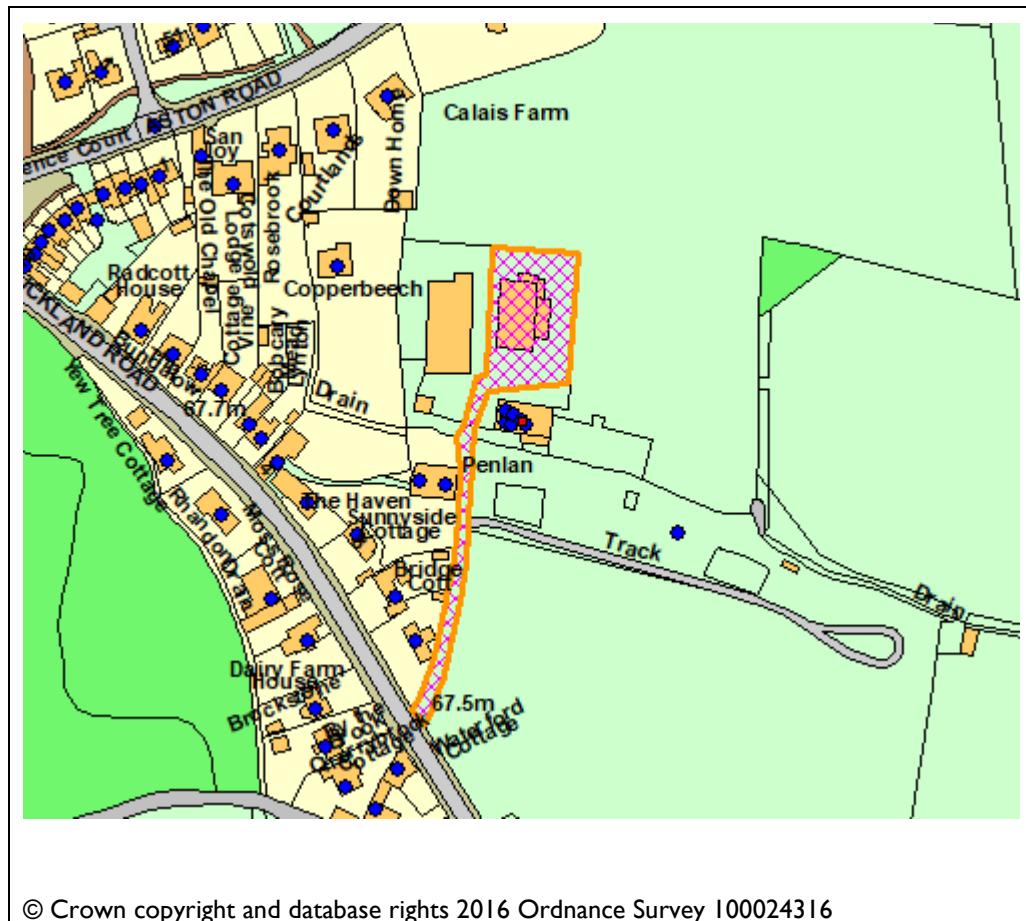
**Contact Officer:** Kelly Murray

**Telephone Number:**

**Date:** 16th February 2023

Application Number	21/03761/FUL
Site Address	Calais Farm Building Buckland Road Bampton Oxfordshire OX18 2AA
Date	16th February 2023
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431976 E 203087 N
Committee Date	27th February 2023

### Location Map



### Application Details:

Change of use of Building B to Class E(g) (unit 1) and B8 storage (units 2 and 3) use.  
(retrospective)(amended application)

**Applicant Details:**

M E And S M Shayler  
6 Broad Street  
Bampton  
Oxon  
OX18 2LS

**I CONSULTATIONS**

WODC Env Health - Lowlands                  No Comment Received.

OCC Highways                  No Comment Received.

Parish Council

1. The site is within the village and not suitable for light industrial use. This site has already been overdeveloped without appropriate planning consent. The suggested application will adversely affect the character and appearance of the adjoining Conservation Area.
2. This is a residential area, with houses backing onto the site, and is adjacent to an area that has been designated by WODC as a Conservation Area. The plans would have a detrimental affect on these houses, generating noise, smell and traffic movements. The 'tourvan' barn already converts large vans, using loud machinery, and activity seems to continue at least 6 days a week, often into the late evening.
3. Access to the site is down an unmade-up lane which is not suitable for lorries. An adjoining resident has stated to the Parish Council that the Applicant does not own this access, only having an established agricultural right over it. We therefore question the accuracy of the site plans for both applications. They imply the Applicant owns the lane, and could therefore preclude any improvements that planning officers might condition should they be minded to approve the application.  
In addition, when lorries access the site, they have to cross onto the grass verge. They also block the Buckland Road when attempting this manoeuvre.
4. Both applications state there is 'no trade effluent'. It is our belief this is not the case and there is evidence of industrial waste being collected from the site (oil salvage). The area is known to be prone to flooding and is therefore unsuitable for the storage of waste. If flooding did occur, it would increase the risk of substantial contamination into the Shill Brook and subsequently the Thames. The provision of grease traps and a detailed Environmental Survey should therefore form part of the applications.
5. The applications state surface water drainage via soakaway, which we feel is inadequate for the activities being carried out. Water running off roofs and the tops of storage containers needs to be managed. Applications for industrial units should require a proper surface water disposal report.

Surface water from this area has been known to flood nearby houses. Extensive hydrology reports, commissioned by the Parish Council when the site was suggested for houses, makes it quite clear that development on the proposed site will cause a flooding risk. It is understood that the current development has already made this worse. Further development would increase the risk. An important culvert in preventing flooding - identified in the same reports - runs across the site and is vulnerable to heavy vehicles crossing it.

6. The Applicant states sewage is disposed of via a septic tank. As this was an agricultural/horse based barn/farmyard, the exact capacity of this needs to be established. The sewage requirements for industrial units would be entirely different. As far as the Parish Council can ascertain, no building regulation application has been made to install suitable plant.

7. Under the clause for waste storage and collection the Applicant has written- N/A. This is not a satisfactory answer given that it is highly likely the proposed industrial units would create waste.

8. The Parish Council is not averse to developing these types of units but feels the location is inappropriate. There are more suitable locations available, such as at the old Bampton Castle signals camp. This has few residential neighbours, good facilities and easy access.

9. A previous application to use a barn on the site as a joinery workshop, in 2003, (see link below) was only approved with tight restrictions. If this application was approved, we would expect even stricter ones to be imposed  
[https://publicaccess.westoxon.gov.uk/onlineapplications/files/315BB37BBA47BA3DA68F57F19ED934E5/pdf/W2003\\_1661--234.pdf](https://publicaccess.westoxon.gov.uk/onlineapplications/files/315BB37BBA47BA3DA68F57F19ED934E5/pdf/W2003_1661--234.pdf)

10. To the questions 'will this increase flood risk elsewhere' and 'is the site within 20m of a watercourse', the Applicant has said no. However, the flood risk map shows both the proximity of the site to the Flood Risk area and also shows the main drainage ditch of Ampney Orchard and its route towards the Thames as being immediately next to the site. This ditch takes all the surface water drainage from New Road, Colvile, Chandler and Bowling Green Closes, Fox Close and Pembroke Place. As stated above, when this site was proposed for housing, the Parish Council commissioned extensive hydrology modelling which shows it is indeed prone to flooding. This was accepted by the Planning Inspector and cited as one of the reasons the development was turned down. We can provide copies of these reports if necessary.

## 2 REPRESENTATIONS

2.1 There were ten objection responses, summarised as follows:-

- Unsocial business hours/ Alleged operation outside of allowed hours
- Increased flood risk to village
- Highways issues
- Heavy traffic on single lane track

- Lorries blocking the lane and causing traffic to back up, manoeuvring on both sides of the road and mounting the grass verge to negotiate sharp turn into Buckland Road
- Poor visibility at track exit with a danger to pedestrians
- Noise and light pollution
- Lights from vehicles shining into gardens and windows
- Dust pollution in dry periods from traffic on the access track
- Inappropriate for a Conservation area
- Out of keeping with the residential character of the area
- Landscape concerns
- Visibility of the development from Buckland and Aston Road
- Concerns about privacy from vehicles using the single track lane
- Neighbourliness
- Contrary to general principles of policy OS2 of the West Oxfordshire Local Plan 2031
- Design and Layout
- Local Ecology

2.2 There were two support responses, summarised as follows:-

- Noise has not been an issue
- Volume of vehicles have not been an issue
- Buildings have been there for 30 years
- The site provides support for local business e.g. storage and workshops

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

3.1 The applicants have owned Calais Farm since 1984 and their land extends to approximately 25 acres. In 2003 BSE "mad cow disease" decimated many farm businesses and as a result Mr Shayler took retirement and curtailed the equestrian side of his business. The main existing planning use is still equestrian. In 2003 Building A was granted permission for light industrial/storage purposes. Since the change in 2003 the equestrian use has virtually ceased and all three buildings are now used for a variety of light industrial/storage uses.

### **4 PLANNING POLICIES**

EH10 Conservation Areas

OS2NEW Locating development in the right places

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

- 5.1 This is a part-retrospective planning application for a change of use of a former farm building ("Building B") at Calais Farm from agricultural/equestrian use to light industrial and storage. It arises from an enforcement complaint investigated by officers.
- 5.2 There are three similar portal-framed utilitarian buildings on this part of the Calais Farm Site. An application for subdivision and change of use of another building ("Building C") is also under consideration (21/03758/FUL). In 2004, retrospective permission was granted for change of use of the southernmost and smallest of the three buildings, "Building A" from agricultural use to a joinery workshop (W2003/1661). The applications were submitted following an enforcement query relating to the commercial use of the other buildings on the site.
- 5.3 An application for a certificate of lawfulness in respect of the change of use of Buildings B and C was submitted and refused in 2021 on the basis that insufficient evidence had been provided to demonstrate the uses of those buildings had been ongoing for the necessary period of time to become immune from enforcement action.
- 5.4 The site once formed part of Calais Farm and is located adjacent to the eastern edge of the built-up area of Bampton, lying between the Buckland and Aston Roads. There is a band of trees on the western boundary of the site. The site is open to the north and east and borders fields. Permission was granted in 1993 (W93/1415) for the change of use of one of the barns from agricultural to equestrian use and the current lawful use of the site (with the exception of Building A) is considered to be agricultural/equestrian.
- 5.5 Building B has been divided into three units. Unit B1 (1800 square feet) is being occupied by Active England, a company arranging "tailor-made" tours for tourists. B2 and B3 (300 and 150 square feet respectively) are used for storage by local tradesmen. The application as originally submitted also sought permission for the siting of several storage containers around the site which were let by local people and small businesses. These have now been removed from the site and the application has been amended.
- 5.6 Officers were unable to support the applications as originally submitted for the following reasons: County Highways considered that the access onto the Buckland Road is substandard and that the proposed intensification of use from the previous agricultural/equestrian use would cause hazard and be detrimental to the safety and convenience of highway users. Secondly, Officers considered the siting of the numerous storage containers outside the buildings to be unsightly, giving a cluttered effect and detrimentally impacting on views across the fields from the Aston and Buckland Roads to the north and south.

### **Current position**

- 5.7 Following negotiation, various changes have been made on site and the applications have now been amended. The separate storage uses are no longer part of the applications and the several containers previously included within the applications have been removed from the site. When the applications were first submitted, Building A was being used by a

mechanic's business in contravention of the 2004 permission, a use which is likely to have increased vehicular access and egress to the site. The mechanic has now vacated Building A, which is now being occupied by Tour Van, a company previously occupying Building C.

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**

5.9 As mentioned above, Unit A already has permission for a joinery use and so the principle of some commercial use on the site is already established. Bampton is categorised within the WOLP 2031 as a rural service centre suitable for a "modest level of development". Policy E2 provides that new small employment sites in or adjacent to service centres will be supported where they are commensurate with the scale of the settlement and the character of the area. Policy E3 states that the re-use of non-traditional buildings, including modern farm buildings, for employment, tourism and community use will be supported within or adjoining service centres, provided that the following criteria are met:-

- the general character and form of the building(s) are not harmful to the surroundings; and
- the scale and type of use is suitable to its location and will not result in excessive alteration (s) or extension(s) to the host building.

5.10 In this case, the character and form of the buildings although fairly typical of modern agricultural utilitarian structures are not considered to be harmful to the surroundings. There are no proposals for alteration or extension.

### **Visual Impact and Impact on the Setting of the Conservation Area**

5.11 The site is situated outside, but close to, the eastern edge of the Bampton Conservation Area. Since no alterations or extensions to the buildings are proposed the setting of the CA is not considered to be affected and whilst the buildings are visible from both the Aston and Buckland roads, the change of use will not impact on visibility. Imposing a condition to prevent outside storage is however recommended to protect visual amenity.

### **Highways**

5.12 Following amendments made to the applications, the uses of the buildings across the site are considered likely to generate considerably fewer traffic movements than would previously have been the case. Although it has been pointed out the access is an unmade, single track lane, it should be borne in mind that the original equestrian/agricultural use has potential for creating a number of vehicular movements each day, some of which might be larger vehicles, such as tractors and horse boxes. The ownership status and condition of the access track are matters in the realm of civil law and cannot be considered in taking planning decisions. On re-consultation Highways have confirmed that the "scaled-back" proposed use of the site is acceptable in terms of highway safety.

## **Residential Amenities**

5.13 The building is situated at some distance from the two closest residential buildings to the south and west. The operations carried out within unit B1 fall within a use under Class E(g) as they are not considered to be detrimental to residential amenity. Likewise in the case of the storage uses of units B2 and B3. Officers consider that conditions limiting hours of use/access and preventing further changes of use from light industrial (E(g)) would address any amenity issues that might otherwise be experienced by residents.

## **Flooding**

5.14 The site is situated in Flood Zone I and as such is considered to be at low risk of flooding.

## **Conclusion**

5.15 The reuse of this former agricultural building to support local business and to provide storage, given no external alterations are proposed and on the basis that the recommended conditions are imposed, is considered to be a use commensurate with the scale of the site and the character of the area. Light industrial use should not impact adversely on residents' amenity. The proposals as amended are therefore considered to be in accordance with policy and for the reasons given above the application is recommended for conditional approval.

## **6 CONDITIONS/REASONS FOR REFUSAL**

- 1 Business activity shall not take place on the site before 8.00 a.m. on weekdays and Saturdays or after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays and shall not take place at any time on Sundays, or Bank Holidays.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

- 2 No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building(s).

REASON: To protect the residential and visual amenities of the locality and to ensure there is no interference with the circulation and manoeuvring of vehicles on the site.

- 3 Unit 1 of Building B shall be used only for a use within Class E(g) and units 2 and 3 shall be used only for B8 storage purposes and in each case for no other purpose (including any other purpose in Class E 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 uses specified because of the special circumstances of the site.

- 4 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), permission shall be sought for any development normally permitted under Article 3 and described within Class A of Part 7 of Schedule 2 to that Order.

**REASON:** To ensure there is control over any alterations which may result in an increase in floor area on this limited site.

- 5 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

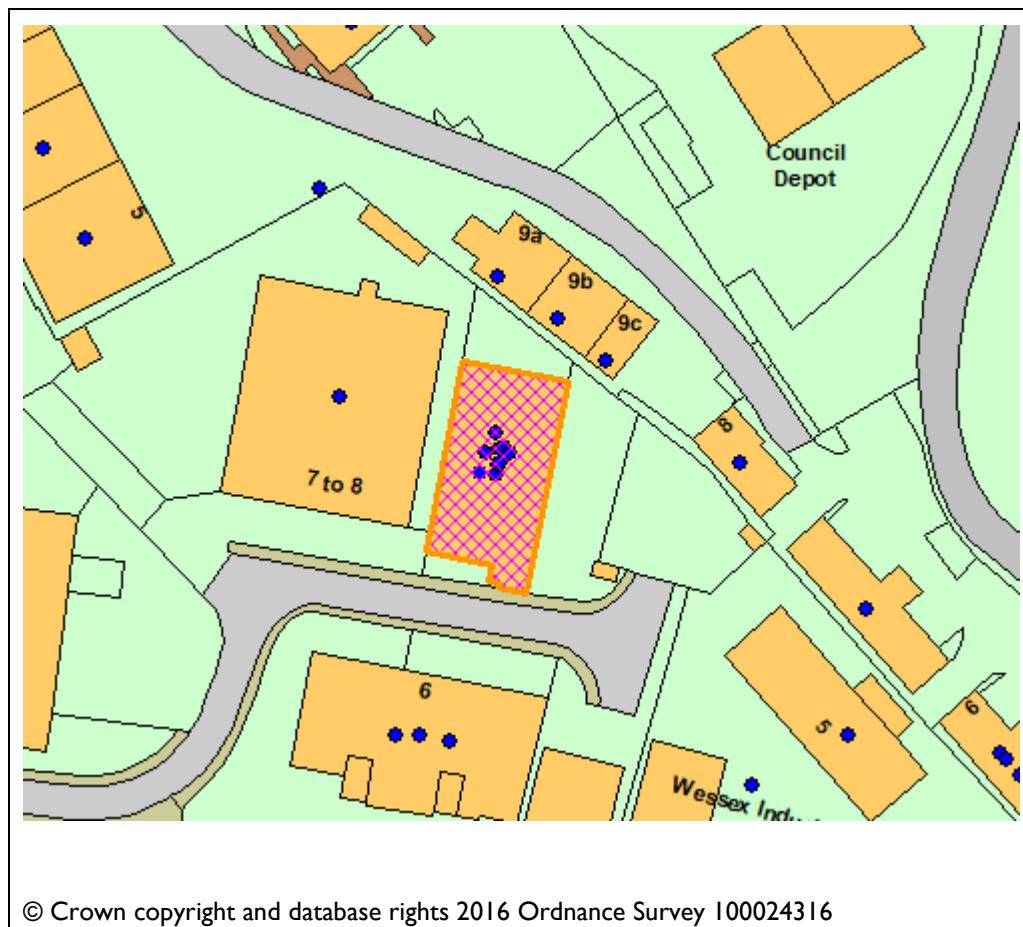
**Contact Officer:** Kelly Murray

**Telephone Number:**

**Date:** 16th February 2023

Application Number	22/01068/FUL
Site Address	T Robins Building Avenue Three Witney Oxfordshire OX28 4BQ
Date	16th February 2023
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435869 E    208921 N
Committee Date	27th February 2023

### Location Map



### Application Details:

Change of use from current mixed/warehouse to Sui Generis to allow the premises to be used as a live music and entertainment venue along with a bar serving alcohol, hot and cold food.

Single storey extension to the front aspect to provide new ladies toilets and disabled toilets with access and fire escapes.

Change to the front of Unit 5 (in service yard) to create venue entrance, including the addition of window for box office and bin and cycle storage.

**Applicant Details:**

Mr Gavin Hyatt  
Westfield House  
Middletown  
Hailey  
Witney  
OX29 9TA  
United Kingdom

**I CONSULTATIONS**

Parish Council

Mrs S Groth 25.01.2023 Witney Town Council continue to support this application for a live music venue for the town, and have no objection to this application.

WODC Env Health -  
Lowlands

Mr ERS Pollution Consultation 05.07.2023 Comments submitted.

26.08.2023 -

The applicant states that they wish to serve hot and cold food but I can see no dedicated food preparation area and associated extract fan. Details of any such system will be required to assess the potential noise and odour impact.

As there will be more live music, the applicant has not submitted any information as to the timing of such events (i.e. proposed start/finish times) and measures to control potential noise disturbance. I understand that events are already being held without problems, but if permission is granted there will be an increase in the number and scale of these events.

I am satisfied with the response from Gavin Hyatt on these points raised and have no objection to the application.

Parish Council

No Comment Received.

WODC 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.

The comments I made in June 2022 remain applicable.

Regards

Jackie McLaren  
Technical Officer - Contamination

TV Police-Crime Prevention  
Design Advisor

23.01.2023

Thank you for re-consulting me on the above planning application.  
I have reviewed the amended documents submitted, and no longer object to this application subject to one minor amendment.  
I ask that the applicant confirms the external CCTV scheme will cover both the cycle and bin stores. Once confirmation/plans demonstrating this have been received by the local planning authority, I no longer object to this application.

OCC Highways

24.01.2023 See previous comments

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

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

WODC Env Health -  
Lowlands

Mr ERS Pollution Consultation In light of the additional information provided in response to my original comments, I have no objection or further comments to make.

Rick Downham  
Environmental Health Officer

WODC Planning Policy Manager	No Comment Received.
OCC Highways	No Comment Received.
WODC Env Health - Lowlands	<p>Mr ERS Pollution Consultation With reference to the above planning application, I have no objection in principle with regards to general air quality. However, the roof of the structure appears to be constructed of asbestos cement sheets, and consequently any works which will disturb this material should be undertaken by person trained (within the last 12 months) in non-licensed asbestos work (Cat B), to protect site personnel from exposure to harmful asbestos fibres. In addition, as the building pre-dates the mid-eighties, a refurbishment asbestos survey would also be advised, prior to any works being undertaken.</p>
	Kind regards,
	<p>Susan McPherson Senior Officer - Air Quality</p>
OCC Highways	<p>Part of the site has been occupied for this sui generis use for a number of years without complaint or evidence of problems in terms of highway safety and convenience. Whilst the lack of onsite car parking causes some concern I am aware that the busy periods of proposed use take place at weekends and evenings when the commercial activity in the surrounding area is at a minimum. I note comments re the availability of car parking at premises adjacent to the application area but given this is outside of the red edged application area has not formed part of my balance in determining the acceptability of the application proposal. Witney town centre and access to public transport is within walking/cycling distances.</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:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission,</p>

subject to the following condition  
- G28 parking as plan

WODC Business Development

I have reviewed the above application from the economic development perspective. There is a tension between supporting a unique (for Witney) and important business and supporting the vibrancy of the town centre which is a council priority. The business is important because it provides unique facilities for the local music scene. The business has grown through relentless hard work and it provides a really important service. The live venue is a natural evolution and one that makes sense from the business perspective. The issue concerns whether this is the right location for a live venue. In an ideal world, in the current economic climate as towns adjust to new roles, having the whole business (studio, rehearsal rooms and venue) in the town centre would be great. But the reality is that you cannot just pick up a business like the Greenroom Studios and move it - it is not easy, practical or necessarily financially viable to do so. If the business was being started from scratch now, then there may have been a way to locate it in the town centre but the town and the economy were very different when Greenroom Studios were set up and it is located where it is. I accept that it is not feasible to split the business and run the live venue at a separate location to the studios. No location is perfect – there are always compromises. However, the current location in Avenue Three is in walking distance from the town centre, has many advantages that are set out in the application and therefore, on balance, I support this application.

WODC Planning Policy Manager

We are satisfied in policy that you have all the information required to determine the application, and was expecting for it to be supported.

I would be good if the applicants can maximise water efficiencies through energy saving devices and minimise embodied carbon in the materials that they choose.

23.06.2022

Thank you for sending through further comments from the applicant. Having discussed this with the policy team, it is advised that the applicant should set out the business case for

the live music entertainment venue and bar in a standalone report, rather than separate email correspondence. It is suggested that the report includes:

- Details of the proposed business operations (including the respective element):

- Types of use i.e. bar, stage, recording studio etc., and their proposed locations.
- Opening hours of premises.
- Predicted number of staff employed and if part-time/full-time.
- Venue capacity / number of predicted visitors.

-To comply with the sequential test in the NPPF as mentioned in Policy E6 - evaluation of the suitability of alternative available locations in Witney Town Centre to accommodate the proposed scheme. The application site is close to the town centre and is reasonably accessible. Due to the potential for noise disturbance, there may not be many suitable premises within the town centre, given their proximity to residential properties.

Further work should also be undertaken in relation to:

- Pedestrian/cyclist/public transport accessibility and cycle parking.
- Highway impact i.e. likely vehicle movements (including deliveries) and how this would work alongside existing businesses; and proposed vehicle parking arrangements.
- Environmental protection to identify and mitigate potential noise and odour nuisances (noise being the key consideration).
- Security and how any antisocial behaviour would be managed.
- This work should be clearly set out in a report, for example, a Design and Access Statement within a Planning Statement with accompanying evidence.

Input from consultants may assist the applicant in preparing these technical reports. The applicant should perhaps resubmit the application so as to bring the retrospective and proposed elements of the scheme under one application, which will be easier to assess. Although how this is managed is up to you as case officer.

From a policy perspective, the proposal could potentially be supported; however, the applicant must provide relevant information/evidence so that the business case, business

operations, and possible impacts can be fully understood and appropriate conditions attached.

Parish Council

No Objection

Witney Town Council welcome this application for a live music venue for the town, and have no objection to this application.

WODC 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.

Review of the historical maps we hold suggest that the proposed development site has previously been used as a plant hire depot and for road haulage. There are also former railway lines which have potentially been infilled to the north east of the site.

From the information submitted with the application it appears that the majority of the works are internal with a small extension in one area. Please consider adding the following condition to any grant of permission.

I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

Regards

Jackie McLaren  
Technical Officer - Contamination

TV Police-Crime Prevention  
Design Advisor

06.07.2022-Thank you for consulting me on the above application. I have reviewed the submitted documents and crime statistics for the local area. I do not have sufficient information relating to crime prevention and security within this application, and as such am unable to support this application in its current form. I make the following comments to ensure that the forthcoming application meets the requirements of-

- The National Planning Policy Framework 2021 paragraph 92 b, which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2021, paragraph 130 f which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- MHCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive & vibrant neighbourhoods.'

In addition, I feel that this application should be accompanied by a Design and Access Statement (DAS) which adequately addresses crime and disorder as required by CABE's 'Design & Access Statements- How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime' prior to approval.

#### Parking

-I am unable to locate details relating to proposed staff or customer parking within this application. The increase in activity within the site is likely to generate an increase in travel to and from the site, and should be considered within the application. It is important that a travel plan is provided to

detail how staff/customer journeys are expected to impact the site and surrounding area, and to demonstrate that there is sufficient capacity on site for parking where required. It is important that any parking provision is designed and located with crime prevention and personal safety in mind, and as such plans should be provided which include all proposed parking areas. Relying on parking spaces of neighbouring units outside their opening hours can be particularly problematic in terms of detecting and preventing crime. This arrangement provides an offender with a legitimate excuse to be in an area that they should not be in - for example using the excuse that they were finding parking elsewhere on the industrial park when in fact they were completing reconnaissance ahead of committing a crime.

- I am unable to locate any cycle storage facilities within the application. It is important that sustainable travel options are available, and secure cycle storage facilities, as recommended by Secured by Design (Commercial 2015) are provided. I ask that the location and type of cycle parking proposed is included within plans prior to permission being granted.

### Lighting

I am unable to locate an external lighting plan within this application. Should this application be approved, a significant increase in activity and attendance at the venue and in the surrounding area can be expected. As such, the safety and security of visitors to the site should be of paramount priority. External areas around the development should be sufficiently lit to ensure customers and staff have good visibility of their surroundings at all times. Lighting should complement the CCTV system, and be designed holistically to ensure no pooling or shadowing of light which may compromise the quality of CCTV images. I ask that an external lighting plan is provided and approved in writing by the LPA prior to permission being granted.

### CCTV & Building security

I note that CCTV is mentioned within this application, and this will be a prerequisite for the approval of any subsequent licensing application. I am unable to find any details of the system or the coverage provided by cameras. Considering the layout changes proposed within this application, to ensure sufficient coverage I ask that a security strategy document is

submitted to the LPA and approved in writing prior to permission being granted. This document should include;

- Full details of the CCTV system proposed, including specification, location and field of view for all cameras, internally and externally.

- Confirmation that the CCTV system-

- Records and securely stores all footage for a minimum of 30 days, and that footage will be made available to police in a usable format within a maximum 72 hours of request.
- Captures video images of a sufficient quality to be used as evidence within a court of law. This will usually require full height colour images of people attending the venue, and to be of a definition sufficient to enable facial details of persons to be recognised. Additionally, cameras should be capable of capturing images at night, either supported by additional external lighting or by infrared lighting.
- CCTV systems must be installed to BS EN 50132-7 2012A1 2013 CCTV surveillance systems for use in security applications.

-I am unable to locate details of waste storage within this application. Failure to correctly store waste creates a risk of arson, and as such any combustible waste must be stored securely internally, or within a secure external store. I ask that details are provided as to the type and location of waste store proposed. In the event that waste will be stored externally, advice should be sought from the local fire authority in respect of safe standoff distances. External stores should be secured to a minimum LPS 1175 Issue 7 Security Rating 1 or STS 202 Issue 3, Burglary Rating 1.

I hope that you find my comments of assistance in determining the application and if you or the applicants have any queries relating to CPTED in the meantime, please do not hesitate to contact me.

Kevin Cox  
Crime Prevention Design Advisor  
Thames Valley Police Headquarters South  
Oxford Road  
Kidlington  
Oxfordshire  
OX5 2NX

12.08.2022 -Thank you for providing me with the additional information supplied by the applicant below. I've reviewed the additional information provided, and understand that the intricacies around the way in which the applicant is having to negotiate this proposed redevelopment, in conjunction with their own land ownership issues.

In principle I would usually be happy to accept conditions being placed upon any subsequent approval to ensure my concerns are addressed, however I do have some trepidation as to whether this would be the most appropriate method of resolution considering the background of this application. The ability of the applicant to address my concerns, if application is approved in its current form, relies heavily on cooperation with other parties and the acquisition and redesign of land not currently under the applicants full ownership or control; Therefore, my concern is that should the application be granted but then subsequently agreements cannot be reached with neighbouring landowners, it would not be possible to address my concerns and discharge the conditions. Mindful of the above, I would prefer full plans detailing the proposed layouts to address my concerns to be provided prior to permission being granted. I would also highlight that this change of use will require a subsequent licensing application, which will also seek the same plans and details as previously requested by myself as relevant. Should permission be granted, I ask that the following (or similarly worded) conditions be placed upon the applicant.

1. Prior to occupation or use of the development, details of Covered and illuminated cycle parking must be provided and approved in writing.
2. Prior to occupation or use of the development, a Design access statement must be provided and approved in writing.
3. Prior to occupation or use of the development, Internal and external lighting plans must be provided and approved in writing.
4. Prior to occupation or use of the development, a detailed staff and customer parking plan must be provided and approved in writing.
5. Prior to occupation or use of the development, A security strategy, including location and specifications of CCTV will be provided and approved in writing.
6. Prior to occupation or use of the development, Plans for the location and design of waste storage area must be provided and approved in writing.

Reason: To ensure that appropriate physical security is provided, where detail is currently missing from this application. To safeguard future users, the buildings themselves and neighbouring developments from crime and antisocial behaviour.

## **2 REPRESENTATIONS**

**2.1** 47 third party representations have been received, 44 Support comments, 2 objection comments and 1 general comment. The comments made on this application can be viewed in full on the WODC website, however your officers have provided the following summary:

**2.2** The followings points have been made in support of the application:

- Provides an inclusive and accessible community hub where likeminded people across many generations can mix and socialise in a well managed, safe space.
- Provides excellent opportunities for the local community to engage and learn new skills with emphasis on creativity and music.
- Witney is lacking in gigs/music and events venues such as this. The development will enhance and add diversity to Witney's nightlife encouraging more people to stay within the town instead of travelling to other places such as Oxford.
- Provides opportunities for growth, local talent and enhances the local music scene.
- Economic benefits in terms of jobs and it will bring more people to the area providing additional income to other surrounding business.
- Suitably located plenty of distance away from residential areas in an easily accessible location for the artists and audience members with good public transport links
- The development will support a successful business to expand in line with the needs of the local and wider area.
- The development will provide a space for acts to rehearse, record and perform which would be useful and a potentially inspirational community service
- Could reduce anti social behaviour by providing a safe space for people to socialise
- Music is good for mental health, social care and involvement.
- The owners of Green Room Studios have invested vast amounts of time and money into the business to make it a great success contributing greatly to the local community and music scene.
- The events which have been held over the years on temporary licenses have demonstrated that Green Rooms can run events successfully and safely: and that there is an appetite for more from the community.
- The proposed safe entrance load in and out Bay Area will be an improvement in terms of health and safety.

**2.3** The following points have been made against the application:

- Worry of damage from people leaving the site.
- Allowing the sale of alcohol well into the small hours is likely to lead to episodes of anti social behaviour, low level vandalism and crime.

- A significant increase in ambient noise levels that will ‘carry’ significant distances at night especially during the summer when windows and doors are likely to be open and thus cause disturbance to residents of The Leys as well as other domestic housing areas a similar distance away such as Station Lane, Farm Mill Lane and Witan Way.
- The asbestos roof is unlikely to have sufficient insulation.
- An acoustic survey should be provided
- Anti social behaviour and safety should be considered for when people are leaving the venue at night.

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

- 3.1 A planning support statement has been submitted which incorporates a Business Case, details relating to parking, access, opening hours and environmental issues such as noise and smells. A Security strategy has also been submitted. These documents are available on the Council's website. The statements have been summarised and concluded as follows:
- 3.2 We want to create an all encompassing musical hub to encourage and develop musical talent, all under one roof. It is our belief and feeling that opening another live music venue would not detract from the existing pubs, halls and venues but actually increase the choice available to people on nights out and reinvigorate the local market. The proposed changes to use of the building and extension to the toilets are enhancements to services that we already provide here, IE, rehearsal and recording facilities for bands and musicians. We have already built seven individual studio rooms which are soundproofed. The seventh studio, we built as a rehearsal stage. It has a fully fitted PA system and lighting installation. It is used for rehearsals, recording, music videos and, under Temporary Events Notices as a music venue. The next steps (after securing and opening our venue and bar) would be to develop our own music education brand including instrument and vocal lessons, music tech (engineering, recording, producing) and finally we will set up our own record label which will manage talent to enable them to progress to commercially releasing and promoting their music.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
 OS4NEW High quality design  
 OS2NEW Locating development in the right places  
 E6NEW Town centres  
 E1NEW Land for employment  
 E4NEW Sustainable tourism  
 E5NEW Local services and community facilities  
 EH8 Environmental protection  
 T4NEW Parking provision  
 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 planning permission for the change of use from current mixed/warehouse to Sui Generis, to allow the use as a live music and entertainment venue along with a bar serving alcohol and hot and cold food, a single storey extension to the southern elevation, the reconfiguration and addition of openings, including forming a main entrance and box office on the eastern elevation of the building, staff and visitor parking and bin and cycle storage at T Robins Building, Avenue Three, Witney.
- 5.2 The application site relates to units 4, 5 and the existing Studio Se7en within the T Robins Building, on the Avenue Three industrial estate in Witney. Studio Se7en has already been converted into a stage and standing/seating area, therefore this application is part retrospective. When your officers refer to Unit 5 within this report they refer to the unit labelled 'Store' on the existing ground floor plan which adjoins unit 4. The site does not fall within any areas of designated control.
- 5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers consider that given the publicity of the application and the number of third party representations received, that it would be within the public interest to do so.
- 5.4 A series of amended drawings have been received as part of this application in line with your officers comments. The red line site area has been amended omitting the existing recording studios from the application site. For the avoidance of doubt this application relates to the proposed live music and entertainment venue within units 4, 5 and Studio Se7en and does not relate to the existing recording studios 1-6 or adjoining units 1,2 and 3 within the T Robins Building.

#### *Planning History*

- 5.5 AW81/0045- Canopy with internally illuminated lettering.- Approved  
W81/1095- New entrance doors and canopy.- Approved.  
W84/1535- Erection of workshop unit with parking spaces and hardstanding area (outline)- Approved.  
W2003/0160- Demolish existing office and industrial building, and erect seven b1 office units.- Approve.

### **Proposed Development**

- 5.6 Proposed is the change of use from Class E which was formerly B1 (Warehouse and Office) to sui generis to allow for units 4, 5 and studio Se7en to be used as a live music and entertainment venue. The applicant already occupies studio Se7en and the adjoining units to the south which are used as a recording and rehearsing venue under the name GreenRoomStudios. Studio Se7en has already been converted into a stage and standing area. A number of live music events have already been hosted within studio Se7en under Temporary Events Notices. The proposed works include extending into the adjoining units

4 and 5 to provide a new and separate entrance to the proposed entertainment venue, a box office, additional seating areas and a new bar. A single storey extension to the southern elevation of the building is proposed to provide new ladies and accessible toilets. The proposed works also involve alterations to and the reconfiguration of openings, including forming the main entrance and box office on the eastern elevation of the building. Staff and visitor parking are proposed as well as bin and cycle storage.

5.7 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:

- The Principle of Development;
- Design, Scale, Form and Visual Impact;
- Residential Amenity;
- Highways; and
- Other Matters

### **The Principle of Development**

5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.9 The starting point in the assessment of the principle of development is policy OS2, which outlines the general spatial strategy for new development in the District. The application site sits within Witney, which is identified under West Oxfordshire Local Plan Policy OS2 as a Main Service Centre.

5.10 Policy E6 states that *Town centre uses include retail development, offices (including flexible 'office-hubs') leisure, entertainment, arts, culture, tourism development and intensive sport and recreation uses.* The proposed live music and entertainment venue is therefore categorised under policy E6 as a Town Centre use. To support our town centres significant proposals for new town centre development should be directed to the town centre wherever possible and such proposals must follow the 'town centre first' approach established through national planning policy, whereby the availability, suitability and viability of town centre sites to accommodate new town centre development should be fully explored, before edge of centre sites, and lastly out-of centre sites are considered. Your officers

consider the application site to be an 'edge of centre' site given its proximity to and its pedestrian and vehicular links to the town centre. Therefore, as directed by policy E6 and Section 7 of the NPPF your officers requested for a Business Case to be submitted which explores the availability, suitability and viability of sites within the town centre of Witney. The Business Statement submitted explores alternative sites within Witney however none were considered to be suitable for the proposed development. The sites named with the closest suitability were the former Hacketts bar (Wesley Walk) and the site formerly occupied by Debenhams in Marriots walk, however given their proximity to residential dwellings were not considered appropriate to operate events of this nature which go on to the late evenings and early mornings. The applicants did look into splitting the business in two and having the live music venue separate from the recording studio however, logically and given the amount of money the applicants have already spent on converting studio Se7en, it was not considered viable. The WODC Business Development Officer and the WODC Planning Policy Officer have both fully assessed the Business Case submitted. Whilst a town centre location would have been preferable for the proposed development, your officers consider that the applicants have been able to demonstrate that given the nature of the proposed business, that none of the town centre sites available would be suitable for the proposed use and relocating would not be practical or financially viable. Therefore, your officers consider that the town centre first approach has been fully explored and that edge of centre sites can be considered. The site is considered to be an 'edge of centre site'. Therefore, given the Town Centre first test has been met, your officers consider the siting of the proposed development is acceptable in accordance with Policy E6 of the WOLP and section 7 of the NPPF.

5.11 Sub paragraph 6.16 of the WOLP states *Employment Development Land and Employment Sites include land and sites with office-based, industrial and warehouse/storage uses (known as the B-use classes)*. The units which are the subject of this application therefore relate to land for employment and Policy E1 should be considered. Policy E1 states that Non-employment uses on employment sites will be refused except in the following circumstances:

- where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- where substantial community benefits would be achieved by allowing alternative forms of development.

5.12 The proposed use of the development would fall within the category of community and leisure. Your officers have carefully considered whether the proposed use would be complementary and compatible with the function of the employment site. This proposal is part retrospective as live music events been taking place within Studio Se7en under Temporary Events Notices since 2019. The applicants have been able to demonstrate that the business can be run successfully in the proposed location alongside the other businesses within the estate. Given the nature of the industrial estate and the other businesses that occupy it, your officers can infer that the estate is at its busiest during the day. However, it is mostly during the evenings when the application site will host their live music events, which are predicted to attract the most footfall. As such, your officers consider that the proposed use will have a limited impact on the existing use of the site and

neighbouring businesses and therefore will be in principle compatible with the function of the employment site. Your officers also note whilst the proposed use does not fall under an 'employment use', the applicant states within their Business Statement that they would be looking at employing 8 full time staff and upto 30 part time staff. There are also a number of other community benefits which would arise from the development such as, economic benefits, social wellbeing, community interest and interaction and tourism. In addition, as demonstrated above, your officers consider that the development would comply with Policy E6 of the WOLP. Your officers therefore consider the development to comply with the criteria set out within policy E1 of the WOLP.

5.13 Policy E4 relates to sustainable tourism and states *Tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported. New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible.* The proposed change of use to a live music and entertainment venue will provide a unique facility to the benefit of visitors and the local community. The facility is to be situated within walking distance to the town centre and uses existing appropriate buildings. Your officers therefore consider the development to comply with policy E4 of the WOLP.

5.14 Policy E5 relates to Local services and community facilities and 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.* The proposed live music and entertainment venue proposes to provide an accessible space which will be used by many clubs and groups that are attended by members of the local community. The proposed development will contribute to the diverse evening entertainment Witney has to offer and provide a social meeting place to local residents who share the same interests. Your officers therefore consider that the proposal will promote social wellbeing, interest and interaction within the community and as such complies with policy E5 of the WOLP.

5.15 Additionally, 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
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities
- Conserve and enhance the natural, historic and built environment.

5.16 Your officers are of the opinion that the principle of the proposed development complies with the general principles set out in Policies OS2 and other relevant policies in this plan.

The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies as outlined above, guidance and legislation in the relevant sections below:

### **Design, Scale and Form**

- 5.17 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).
- 5.18 The proposed development includes the change of use from mixed/warehouse to Sui Generis, to allow the use as a live music and entertainment venue with a bar, associated parking and bin and cycle storage. The proposed external alterations include bricking up existing openings on the eastern elevation and installing two double doors and a window to create a new entrance and box office into the venue. A single storey flat roof extension is proposed to the south elevation fronting the highway and will serve as assisted and ladies toilets, with a new fire escape. An existing door is to be blocked up on the southern elevation of the building, whilst this does not fall within the red edged site area it is unlikely to fall under planning control. The proposed internal alterations include extending into units 4 and 5 creating a new and enlarged bar area, seating/standing area, a new box office, cellar and new entrance into the venue. The proposed materials are to match that of the existing building. 8 staff parking spaces and 3 visitor parking spaces are proposed as well as a bin and cycle storage area within the courtyard.
- 5.19 The scale of the proposed extension to the southern elevation is considered to be modest and the materials are to match that of the exiting building. Whilst the extension will be highly visible within the streetscene, given the context of the site within an industrial estate and the varied design of neighbouring buildings, your officers do not consider that the development will have harmful impact on the visual amenity of the streetscene. The scale, design and form of the proposal is therefore considered to comply with polies OS2 and OS4 of the WOLP.

### **Residential Amenities**

- 5.20 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

- 5.21 Policy EH8 relates to Environmental protection and states: Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.
- 5.22 With regard to the impact on neighbouring amenity, this has been carefully assessed and the WODC Noise and Amenities Officer has been consulted. The applicant has provided supporting information relating to noise impact and mitigation measures and further details relating to the provision of providing hot and cold food.
- 5.23 The applicants have clarified that they do not wish to prepare or cook food within the venue but would like the opportunity for external caterers such as burger/kebab vans to come to the site. The WODC Amenities Officer has raised no objection to the smell impact of this proposal.
- 5.24 In terms of the proposed extension and alterations, given their separation distance to neighbouring residential properties, these are not considered to give rise to any neighbouring amenity issues.
- 5.25 Your officers have received concerns regarding the noise impacts of the proposed development on the closest residential properties. In order to fully assess the impacts of the proposed development your officers requested the applicant to submit additional information regarding openings hours and the measures proposed to control potential noise disturbance.
- 5.26 The applicant has provided the following breakdown of the proposed openings hours and the activities which are likely to take place during those times. Monday - Sunday between 0900 - 1900 the space could be used for recording and rehearsing, Sunday - Thursday between 1900 - 2359, evening activities may take place such as Ukelele club, singing groups, dance groups, jam nights, karaoke etc. Between Sunday - Thursday 1000 - 0200 the space may be used by low key acoustic acts or similar and on Friday and Saturday nights the space may be used for live music, DJ's etc between 1900 - 0400. In summary, the proposed opening hours should the building be in constant use could be Sunday-Thursday 0900-02:00 and Friday- Saturday 09:00- 04:00.
- 5.27 Your officers consider the closest residential property to be approximately 300m away from the application site situated along Station Lane.
- 5.28 The proposed events and entertainment venue, like the existing recording and rehearsal studios, are to be designed and insulated to keep the sound inside the building. The PA system installed in Studio Se7en has been installed and tuned to the room. A limiter has been installed to protect the amplifiers and speakers and so as not to expose patrons to potential noise damage and this is set to 95db on the dance floor. The applicant has submitted a noise test where music was played at 95db and noise levels were recorded within the local area. The results of the noise test showed that the music was not audible from a distance of about 50M. Your officers note the concerns from residents regarding

an increased noise impact during the Summer months, given the venue and neighbouring properties may choose to have windows or doors open. However, the WODC Noise and Amenities Officer has assessed the tests submitted and the mitigation measures proposed and have raised no objection. Your officers therefore consider that given the separation distance to neighbouring properties, the proposed insulation and the noise limiter, that the proposal would not give rise to levels of harm in terms of neighbouring amenity issues, which would warrant the refusal of this application. Should there be any future issues regarding the noise of the development these can be reported to the WODC Environmental Regulatory Service Team, who will fully investigate the reports made.

- 5.29 In light of this assessment, you officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2, OS4 and EH8.

### **Highways**

5.30 The impact of Highway safety and convenience has been carefully considered and OCC Highways have been consulted on the application. Proposed is the provision for 8 staff parking spaces and 3 visitor parking spaces. The events which are predicated to generate the most footfall are the live music shows, during the week it is estimated that such events could attract around 150 attendees and 250 on Friday and Saturday nights. Concerns were initially raised by your officers regarding the lack of parking proposed. However, the site can be accessed by footpaths with streetlights along its duration within the industrial estate, the site is also accessible by car, cycle and on Foot, a cycle storage facility is proposed. The site is within close proximity to Witney town centre where there are a number of car parks, it is thought that when attending a live music event people may choose to park within the town, have dinner/meet with friends then walk to the proposed venue. Public transport is also within walking/cycling distances, there is on street parking within the estate and people may choose to travel by Taxi. The applicants have advised that they will clearly advertise that the venue has very limited parking opportunities. The applicant does have an informal agreement with neighbouring Witney Plant Hire and Witney Commercial, who allow for the venue to use their parking areas during peak times (weekdays 6pm-midnight and weekends). However, the agreement to use neighbouring sites for parking is informal and has not been considered as part of your officers assessment when considering highways impacts. OCC Highways have raised no objections to the application in terms of highways safety and convenience subject to a condition. On this basis, your officers consider that the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

### **Other Matters**

5.31 The impact of the development on safety, anti-social behaviour and other crime has been carefully considered. Your officers also note the concerns raised by third party representatives regarding people causing damage when leaving the site. In response to initial concerns from your officers and Thames Valley Police, the applicants submitted a report outlining a security strategy which included details of external and internal lighting, CCTV and details relating to staffing and security management, such as procedures for entering and leaving the premises and staff training. Following the submission of the

Security Strategy Thames Valley Police raised no objections to the proposal subject to the applicants being able to demonstrate that the security cameras will cover the bin and cycle storage area. The applicants have confirmed that the proposed cameras will cover the bin and cycle storage area. Images have also been provided from an existing camera which is in a similar location to the security camera proposed, which clearly show the area where the cycle and bin storage will be. Your officers therefore consider that subject to a condition requiring the development to be carried out in accordance with the Security Strategy provided, that the development would not give rise to Crime and Antisocial behaviour issues.

- 5.32 There are a number of shipping containers and a storage building situated within the existing yard area which do not have any planning history. Your officers have brought this to the attention of the WODC Enforcement Team. The shipping containers are in the location of the proposed parking spaces and your officers have attached a condition stating that the parking spaces 'shall be constructed before units 4 and 5 (store) as identified on the existing ground floor plan, are occupied for the use of live music and entertainment', therefore in order for the venue to extend into units 4 and 5 as proposed, the shipping containers will need to be removed and the parking spaces approved provided. Officers also note that there is not any planning history relating to the existing recording and rehearsing studios. This proposal is for the change of use of units 4, 5 and studio Se7en into a live music and entertainment venue. The existing recording and rehearsing studios are expressly omitted from this proposal and may be the subject of a future application.
- 5.33 The proposed development site has previously been used as a plant hire depot and for road haulage. There are also former railway lines which have potentially been infilled to the north east of the site. The WODC Contamination Officer has therefore requested that a contamination condition is applied to the consent should the application be approved.
- 5.34 The WODC Air Quality Officer has raised no objections to this application however, they have stated that the roof appears to be constructed of asbestos cement sheets. An informative has therefore been added to the application advising that any works which will disturb this material should be undertaken by person trained (within the last 12 months) in non-licensed asbestos work (Cat B) and given the building pre-dates the mid-eighties, a refurbishment asbestos survey would also be advised, prior to any works being undertaken and therefore the appropriate measures are required.
- 5.35 47 third party representations have been received, 44 Support comments, 2 objection comments and 1 general comment. Your officers have provided a summary of the comments received within section 2 of this report. Concerns have been raised relating to the sale of alcohol well into the small hours and its impact on anti social behaviour and low level vandalism and crime. Concerns have also been raised relating to the increase in noise levels that may 'carry' significant distances at night, especially during the summer when windows and doors are likely to be open and thus cause disturbance to residential neighbours. Your Officers have fully considered the concerns raised by third party

representatives and their comments have been addressed within the relevant sections of this report.

### **Conclusion**

- 5.36 In summary, the applicants have fully explored the availability, suitability and viability of town centre sites to accommodate the proposed development, however none of the sites found were considered to be suitable or viable. Therefore, your officers consider the principle of the proposed development to be acceptable in the proposed location. Your Officers consider that the development provides a unique facility to the benefit of visitors and the local community providing a space which is to be used for many local clubs and groups, promoting social wellbeing, interest and interaction within the community. Your officers also consider that the development will provide a range of economic benefits. No objections have been received from statutory consultees regarding Noise and Amenities, Crime and Anti social behaviour, Highways Safety and Convenience, Air Quality and Contamination and Planning Policy. The design of the development is also considered to comply with policies OS2 and OS4 of the WOLP.

### **Recommendation**

- 5.37 In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS4, E6, E1, E4, E5, EH8 and T4, the NPPF 2021 and the West Oxfordshire Design Guide 2016. 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/REASONS FOR REFUSAL**

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

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

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

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

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

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

- 4 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before unit 4 and store (as identified on the existing ground floor plan ref GRSA3W / EX 01 rev A) are occupied for the use of live music and entertainment and thereafter retained and used for no other purpose.

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

- 5 The development hereby approved shall be carried out in accordance with the Security Strategy Report dated 11th January 2023 and the CCTV and lighting details received by the LPA on 6th January 2023, before unit 4 and store (as identified on the existing ground floor plan ref GRSA3W / EX 01 rev A) are occupied and shall be adhered to thereafter, unless otherwise agreed in writing by the LPA.

**REASON:** To ensure that appropriate physical security is provided, to safeguard future users, the buildings themselves and neighbouring developments from crime and antisocial behaviour.

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

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

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

- 7 Prior to unit 4 and store (as identified on the existing ground floor plan ref GRSA3W / EX 01 rev A) being occupied for the live music and entertainment venue hereby approved, the details of the proposed insulation and the limiter shall be submitted to and approved by the LPA and thereafter retained unless otherwise agreed in writing by the LPA.

**REASON:** To safeguard the residential amenities of neighbouring properties.

#### **INFORMATIVES :-**

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

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

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

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

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

- 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/media/ay3nzn12/sustainability-standards-checklist-feb-2023-v2.pdf>

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

The roof of the structure appears to be constructed of asbestos cement sheets, and consequently any works which will disturb this material should be undertaken by person trained (within the last 12 months) in non-licensed asbestos work (Cat B), to protect site personnel from exposure to harmful asbestos fibres. In addition, as the building pre-dates the mid-eighties, a refurbishment asbestos survey would also be advised, prior to any works being undertaken.

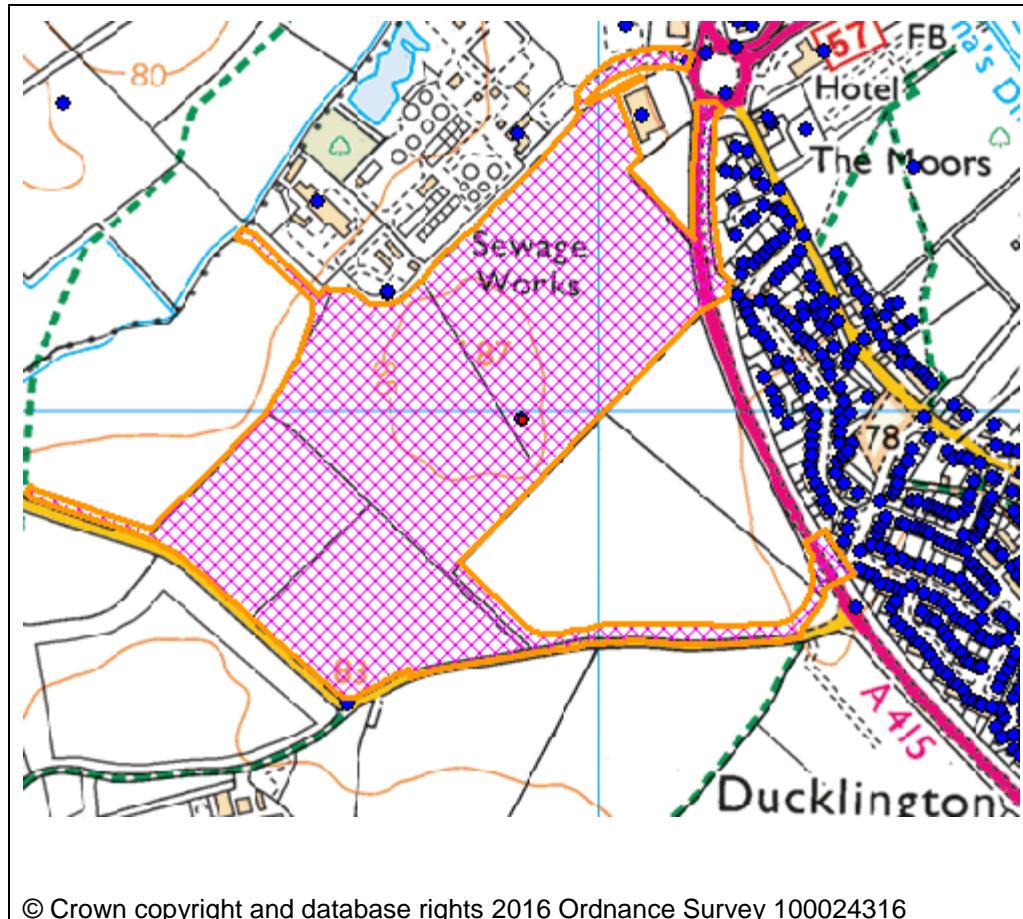
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 16th February 2023

Application Number	22/01384/OUT
Site Address	Land North East Of Ducklington Farm Course Hill Lane Ducklington Witney Oxfordshire
Date	16th February 2023
Officer	David Ditchett
Officer Recommendations	Refuse
Parish	Ducklington Parish Council
Grid Reference	434898 E 207989 N
Committee Date	27th February 2023

### Location Map



### Application Details:

Outline application (all matters reserved except for means of access with the A415) for up to 385 residential dwellings (use class c3), up to 1.22ha of employment land (use classes B2/B8), public open space, landscaping, drainage infrastructure, and other associated engineering works.

**Applicant Details:**

David Wilson Homes (Southern)  
C/o Agent

**I CONSULTATIONS**

Major Planning Applications      14.02.2023  
Team

OCC Highways: No objection subject to:  
Planning obligations and conditions as set out in our response  
of August 2022

Parish Council

Proposed Development North East of Ducklington Farm  
Course Hill Lane Planning Application Reference No.  
22/01384/OUT

Representation by Ducklington Parish Council  
September 2022

**Section 1: Introduction and Context**

Land at North East of Ducklington Farm, Course Hill Lane ('the Site') is currently an area of agricultural land to the south of Witney and west of Ducklington, separated from Witney by the A40 dual carriage way; and from Ducklington by the A415. It adjoins a cluster of development on the edge of Witney, including a supermarket, sewage treatment works, and abattoir.

The Site is proposed for approximately 385 homes by Barratt David Wilson Southern. The development is being promoted as a new 'neighbourhood' that benefits from a rural setting but relies on facilities in Witney and the primary school / public house within Ducklington.

Ducklington Parish Council ('DPC') have carefully considered the proposals in the context of current planning policy and the local environment.

DPC have concluded the proposals do not accord with relevant policies of the West Oxfordshire Local Plan 2031 (the 'Local Plan') and OBJECT to this application.

**Section 2: Planning Policies, Decisions and Appeals**

**Planning Policies**

Relevant policies are contained within the West Oxfordshire Local Plan 2031 (Adopted September 2018).

**POLICY OS1: Presumption in favour of sustainable development**

This policy requires development to be approved in accordance with the policies of the Local Plan unless there are no relevant policies or the policies are out of date. In such circumstances the Council will grant permission unless material considerations indicate otherwise, including whether any adverse impacts will outweigh the benefits.

**POLICY OS2: Locating development in the right places**

This policy states that while a significant proportion of new homes will be focused in the main service centre of Witney, development in small villages, hamlets and open countryside will be limited; and should respect local character and distinctiveness.

**POLICY OS4: High quality design**

This policy 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 surroundings.

**POLICY H1: Amount and Distribution of Housing**

This policy makes provision for 4,702 homes within the Witney sub-area, and a number of strategic allocations are proposed within and on the edge of the settlement area. The Site itself is not allocated for development, and none of the proposed allocations extend south beyond the A40.

**POLICY H2: Delivery of new homes**

Policy H2 states that new development in the open countryside will only be permitted if in accordance with the general principles in Policy OS2 and in the following circumstances:

- o Where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- o Residential development of exceptional quality or innovative design;
- o New accommodation proposed in accordance with policies specifically for travelling communities;
- o Accommodation which will remain ancillary to existing dwellings;
- o Replacement dwellings on a one for one basis;
- o Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of reuse for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will

address a specific local housing need which would otherwise not be met; and

- o On sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

#### POLICY EH2: Landscape character

This policy requires new development to conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.

#### Decisions and Appeals

A number of current planning applications and appeals are of relevance to understanding the Site and its planning context.

Ducklington Farm Course Hill Lane Ducklington Witney Oxfordshire - 20/03365/FUL

On land directly adjoining the Site a planning application was refused for a new farm shop and café. Despite being a relatively modest building in terms of size and scale, Officers concluded that the development would be visually intrusive and have a harmful impact on the open, rural character of the landscape.

This clearly indicates that the land around Course Hill Lane is open countryside that is sensitive to change.

Land East Of Witney Road Ducklington Witney Oxfordshire - 21/03405/OUT

Immediately to the north of Ducklington a planning application was refused for 120 new homes.

Officers concluded that the proposed development would not respect the character and distinctiveness of the village; would not avoid the coalescence of Witney and Ducklington; and would not protect the local landscape setting of Ducklington or Witney.

This clearly indicates that the open countryside around Ducklington is important to the separation of the village and Witney; and that forms part of the rural setting of these settlements.

Land To The Rear Of 110 Witney Road Ducklington Witney Oxfordshire - 20/01556/FUL

Immediately to the north of Ducklington a planning application was dismissed at Appeal for erection of a two-storey dwelling. The Inspector found that the Application Site, and adjoining open land, formed part of an open gap / fringe that makes an important contribution to the setting of Ducklington. Overall the Inspector concluded that the proposed development would result in unacceptable harm to the character and appearance of the area.

Again, this clearly indicates that important role of the open countryside around Ducklington.

**Land to the South Of Standlake Road Ducklington Witney  
Oxfordshire - 18/02260/OUT**

To the south of Ducklington, a planning application was dismissed at Appeal for erection of 20 houses. In the absence of a clearly defined settlement boundary to Ducklington, the main area of disagreement was whether the site was within or adjoining the built-up area of the village, or whether the site comprises land within the open countryside.

The Inspector found that although the site is adjacent to residential and commercial buildings on the edge of Ducklington, these are outlying areas of development and it is therefore separated from the main part of the village and is within the open countryside. The Inspector also concluded that the proposed development would adversely impact on the character and morphology of the village.

This clearly indicates that even land in close proximity to existing settlements can still be classed as open countryside and have a harmful impact of settlement pattern and character.

**Section 3: Review of Planning Application**

DPC have undertaken a review of the submitted application material; relevant baseline material; and stakeholder comments made to date.

A public meeting was also held on 8th August 2022 to discuss the proposed development. This was attended by the Parish Councillor and around 20 members of the public. A range of concerns were raised regarding the proposals, including access to and capacity of local facilities, in particular the ability to safely walk / cycle to Ducklington Primary School; proximity to the existing sewage works / abattoir and whether this would give rise to noise and odour issues; impact on the local road next and congestion at the Ducklington Lane roundabout at peak times; and the protection / security of the existing allotment site.

Building on the public feedback, we set out below a number of key comments.

**Settlement and Landscape Character**

- While DPC acknowledge that the Site is separated from Ducklington by the A415, the open countryside around Ducklington makes an important contribution to the rural setting of the village. This has been clearly established through various planning decisions. DPC are concerned that the proposed development would negatively impact on the village's countryside setting.

- DPC are also concerned that the proposed development does not fit with the existing settlement

pattern of Witney and would result in coalescence between Ducklington and Witney. The southern edge of Witney is clearly defined by the A40, with the town - and planned areas of growth - all occurring adjacent to the settlement edge and to the north of the A40. The proposed development would extend Witney - and be separated from the main settlement area - by the A40 and would erode the remaining gap between Ducklington and Witney.

- DPC are also aware of the findings of the West Oxfordshire Strategic Housing and Economic Land Availability Assessment (SHEELA). This study found that the area of land to the west of Ducklington (Ref 189) was not suitable for development, resulting in "unsustainable urban sprawl, dependent on car travel, subject to a poor level of residential amenity and causing the coalescence of Witney with the outlying villages of Ducklington and Curbridge".

- In conclusion, the proposed development is not appropriate given the existing settlement and landscape pattern; and would be harmful to the setting / separation of Witney and Ducklington.

#### Accessibility

- The proposed development is being promoted as a new '20 minute neighbourhood' that relies on facilities in Witney and the primary school / public house within Ducklington, all being within a 20 minute short walk or cycle ride. While DPC acknowledge that the proposed development would have direct access to the existing Lidl supermarket, DPC are concerned that other facilities are not easily accessible.

- Witney town centre is around 2km away from the proposed development, which represents around a 25 - 30 minute walking time. This would seem not to fulfil the aspiration of a '20 minute neighbourhood' and would increase reliance on car travel. This was one of the reasons that area was not considered suitable for development within the SHEELA.

- While DPC acknowledge that the Ducklington primary school / public house are within around 1.5km / 20 minute walk, DPC are concerned there is no safe route to these facilities. The most direct route would be via the A415 / Ducklington Lane roundabout, which would require navigation of a busy roundabout junction. Alternatively it is noted that a signalised crossing is proposed further south along the A415 - providing pedestrian and cycle access to the village via Curbridge Road - however, the A415 remains a busy, high speed route and access to the crossing would be via

a relatively isolated route that is outside the core development area.

- In conclusion, the proposed development does not benefit from easy access to existing facilities and does not represent a '20 minute neighbourhood'.

#### Environmental Health

o The proposed development falls in very close proximity to the existing sewage works / abattoir. While DPC do not have the technical resources to comment fully on environmental health issues, DPC are concerned that these land-uses would potentially generate unacceptable impacts and would be incompatible with proposed housing.

o DCP are aware that Thames Water have raised concerns regarding odour, noise, lighting and flies; and given the proposed development's proximity to the sewage works, they have objected to the planning application.

In conclusion, the proposed development could be negatively impacted by the existing sewage works / abattoir.

#### Section 4: Compliance with Planning Policy

Based on our current understanding of the proposed development, DPC have considered the scheme against the prevailing planning policy context, as set out in Section 2.0.

##### POLICY OS1: Presumption in favour of sustainable development

As set out below, the proposed development does not accord with a number of policies in the Local Plan. While there will undoubtedly be some benefits arising from the provision of new homes and public open space, it is considered that there would be a range of adverse environmental effects. As such it is considered that the proposal would not constitute sustainable development.

##### POLICY OS2: Locating development in the right places

The proposed development would diminish the rural setting of the Ducklington village; reduce the sense of separation between

Ducklington and Witney; and would not be consistent with the existing settlement pattern of Witney, which does not extend south of the A40. There would also be adverse effects on the open, rural landscape character. As such it is considered that this is not the 'right place' for development.

##### POLICY OS4: High quality design

The proposed development would not respect or enhance the character of the local area. As such, it is considered that the proposal does not represent 'high quality' design.

##### POLICY H1: Amount and Distribution of Housing

The Site is not allocated for development and is not on edge / separated from the settlement of Witney. As such it is considered that the proposal is not consistent with the existing growth strategy.

## POLICY H2: Delivery of New Homes

While Policy H2 does allow for housing development in the countryside, none of these criteria are of relevance to the proposal. As such it is considered that the proposal does not meet the requirements for the delivery of new homes in a countryside location.

## POLICY EH2: Landscape character

The proposed development would have an adverse impact on the fabric / character of the Site; the setting of the village; and the surrounding landscape. As such it is considered that the proposal does not conserve and enhance landscape character.

## Section 7: Conclusion

As stated in paragraphs 2 and 47 of the National Planning Policy Framework, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. DPC has demonstrated above that the proposed development does not accord with Policies OS1, OS2, OS4, H1, H2, and EH2 of the West Oxfordshire Local Plan 2031 and would not represent sustainable development; and that there are no material considerations to warrant a decision otherwise than in accordance with the development plan. Therefore, DPC OBJECT to the planning application and respectfully request WODC refuse planning permission.

District Ecologist 14.11.2022 - Further information required for Biodiversity Net Gain

Major Planning Applications Team      21.12.2022 -  
Local Lead Flood Authority - No objection subject to conditions

Major Planning Applications Team      29.11.2022 -  
Highways - Objection -  
  
Demonstration that the proposed pedestrian and cycle facilities are LTN 1/20 compliant is required.

Up to date and detailed accident analysis is required.  
An amended trip distribution is required.  
Trip generation for employment should be revised based on a more representative gross floor area.  
Further junction capacity analysis and information is required and mitigation measures should be investigated.

The designers should demonstrate how an LTN 1/20 compliant crossing could be incorporated into the proposed 15m radius access junction. If despite the County's objection permission is proposed to be granted then the County requires the following prior to the issuing of planning permission. As set out in its response to the initial consultation of 18 August 2022

S106 Contributions.  
An obligation to enter into a S278 agreement  
Planning Conditions  
Note should be taken of the informatics.

Major Planning Applications Team 23.01.2023 -  
Highways - Objection for the following reasons:

A demonstration of compliance with LTN 1/20 is still required.  
A plan of Personal injury accidents is required.

If despite the County's objection permission is proposed to be granted then the County requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatics as set out in the County's response of detailed below.

District Ecologist 03.02.2023 - No objection subject to proposed conditions

WODC Env Health - Lowlands 10.01.2022 - Thank you for the opportunity to consult.  
Having reviewed this application, we have strong reservations of the scale of the development due to the proximity of some of the houses to the existing abattoir and sewage works with

regard to noise and odour. We recommend a redesign of the development to keep houses from the source of the noise and odour.

A smaller development may be required to increase the separating distance from potential sources of nuisance.

**WODC Env Consultation  
Sites**

10.01.2022- Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risks to human health.

The following report has recently been submitted.

- OMNIA Phase I Geo-Environmental Site Assessment.  
Ducklington Farm, Coursehill Lane, Ducklington, Witney,  
Oxfordshire, OX29 7YL. July 2021. Omnia ref:A11620/1.2  
Draft.

I have been through the report but I could not see what had been updated since the previous version of the report was submitted. Please could a final issue of the report be provided with the updates highlighted in an accompanying email or cover letter.

My comments made in June 2022 remain applicable and are copied below.

- Table 6-1 Initial Conceptual Site Model. In the table a number of potential source-pathway receptor linkages have been ruled out because of the assumed groundwater flow direction. If possible the groundwater flow direction should be confirmed during the proposed investigation.
- Although potential risk from ground gas has been identified in Table 6-1 it is not specifically mentioned in the recommendation section. This potential pathway will need to be robustly investigated in line with the guidance given the proximity of the landfill site.

Given that further investigation is required please consider adding the following condition to any grant of permission.

I. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning

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

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

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

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

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

Parish Council

No Comment Received.

ERS Air Quality

05.12.22 - Further information still required to be submitted

Thames Water

14.11.2022 - Conditions have been recommended along with further information required.

08.08.2022 - Conditions have been recommended along with further information required.

WODC Env Health - Lowlands	<p>23.11.2022 - Having reviewed the noise report provided by Omnia as part of the application I note that they recommend enhanced levels of double glazing, noise barriers and alternative ventilation for certain parts of the site to reduce noise levels to those suggested by BS 8233.</p> <p>If residents are unable to open windows for ventilation and have to rely on other methods I have to question as to whether this site is suitable for residential development especially when coupled with the fact it is adjacent to an Abattoir and Sewage works with the attended potential odour issues</p>
Major Planning Applications Team	<p>29.11.2022</p> <p>Highways - Objection - further information required.</p>
Thames Water	<p>09.11.2022 - Further information still required but conditions are to be recommended</p>
ERS Air Quality	<p>10.02.2023</p> <p>With regards to the above development, following assessment all the information provided on impacts to air quality and odours, I object to the proposal on the following grounds:</p> <p>Odours</p> <p>The proposed development is located to the south of Thames Water Sewage Treatment Works, and Mutchmeats abattoir. An odour assessments were undertaken by Olfasense to determine the impact of each of these facilities on the development. The assessment were then used to determine the masterplan of the site. WODC raised queries regarding the layout, and further to discussions with Barton Willmore in October 2022, it was agreed to move the multiple use games area (MUGA) to outside the 5ouE/m3 contour line and include a buffer zone between this contour and the housing to the north west of the proposed development. WODC welcomed the relocation of the MUGA shown on Drawing No. 003, issued on 15th December 2022, however details of the buffer zone have yet to be provided.</p>

During the consultation process, WODC became aware of upgrading plans for the Thames Water Sewage Treatment Works located to the north of the site. In December 2022, WODC received correspondence from Thames Water confirming the upgrading works would rearrange the layout of the STW, include additional treatment vessels, and potentially increase the odour emissions by 6%. WODC forwarded this information to the applicant and requested a revised odour assessment based on this new information. To date, a revised odour assessment has not been submitted by the applicant.

In addition, Thames Water were also concerned that although the odour assessment had shown the existing plant would not cause odour issues to residents most of the time (98%), there was still a risk of loss of amenity value from time to time, despite the implementation of odour mitigation at the STW.

#### Air Quality

The applicant claimed to have run the AQA including EWSDA, but have omitted the NWSDA because of the associated infrastructure which has been proposed to mitigate impacts from this development. I'm not convinced this is an acceptable argument, however I don't believe the Ducklington development will have a significant impact on air quality in the AQMA, even with both SDA's.

Major Planning Applications Team

18.08.2022 -

Highways - Objection to the scheme, request of S106 funds to the sum of £1,586,720 as well as S278 and S38 agreements

Lead Local Flood Authority - Objection to the scheme, more information required

Education - No objection subject to S106 funds to sum of £4,727,710

Archaeology - Objection - Further information required

Waste Management - No objection subject to S106 funds to sum of £36,175

Conservation And Design Officer	12.09.2022 - Objection to the scheme - though no concerns with the impact on Ducklington CA
Adjacent Parish Council	No Comment Received.
WODC - Arts	No Comment Received.
District Ecologist	05.08.2022 - Request further information prior to determination
ERS Air Quality	20.07.2022 - Objection subject to further information
WODC Env Consultation Sites	<p>I have looked at the application in relation to contaminated land and potential risk to human health. The following report has been submitted with the application.</p> <p>- OMNIA Phase I Geo-Environmental Site Assessment. Ducklington Farm, Coursehill Lane, Ducklington, Witney, Oxfordshire, OX29 7YL. July 2021. Omnia ref:A11620/I.I Draft.</p> <p>The report details the findings of a Phase I investigation and site walk over. A number of potentially active pollutant linkages were identified and the consultant has recommended that an intrusive investigation be completed to further characterise the site.</p> <p>In general the recommendations made in the report are supported however please can the following comments be passed to the applicant and consultant for consideration.</p> <ul style="list-style-type: none"> <li>- Table 6-1 Initial Conceptual Site Model. In the table a number of potential source-pathway-receptor linkages have been ruled out because of the assumed groundwater flow direction. If possible the groundwater flow direction should be confirmed during the investigation.</li> <li>- Although potential risk from ground gas has been identified in Table 6-1 it is not specifically mentioned in the recommendation section. This potential pathway will need to</li> </ul>

be robustly investigated in line with the guidance given the proximity of the landfill site.

Given that further investigation is required please consider adding the following condition to any grant of permission.

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

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

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

WODC Env Health -  
Lowlands

Having reviewed the noise report provided by Omnia as part of the application I note that they recommend enhanced levels of double glazing, noise barriers and alternative ventilation for certain parts of the site to reduce noise levels to those suggested by BS 8233.

If residents are unable to open windows for ventilation and have to rely on other methods I have to question as to whether this site is suitable for residential development especially when coupled with the fact it is adjacent to an Abattoir and Sewage works with the attended potential odour issues.

**WODC Housing Enabler**      30.06.2022 - No objection - affordable housing would make an important contribution to local housing need

**WODC Landscape And Forestry Officer**      13.09.2022 - Objection to the scheme

**Lower Windrush Valley Project**      No Comment Received.

**Natural England**      30.06.2022 - No objection and no conditions requested

**Newt Officer**      No Comment Received.

**Oxford Clinical Commissioning Group NHS**      25.07.2022 - Objection to the scheme - requesting S106 funds totalling £332,640

**WODC Planning Policy Manager**      19.06.2022 - Objections with the principle of development - full comment can be viewed on the Council's website.

22.09.2022 - Additional comment submitted due to the District Council unable to demonstrate a 5 year supply of deliverable housing land. - Still concerns with the proposed scheme and the tilted balance will need to be engaged and consider the harms against the benefits of the scheme.

**Thames Valley Police Licensing Office**      23.06.2022 - No objection subject to S106 agreement and funds requested of £48,236.

**WODC - Sports**      30.06.2022 - No objections subject to S106 agreement and funds as detailed below:

£275,000 on site contribution towards ancillary facilities  
£689,150 off site contributions towards sport and leisure facilities

TV Police-Crime Prevention Design Advisor	No Comment Received.
Thames Water	29.06.2022 - No objections subject to futher information and relevant conditions

## 4 2 REPRESENTATIONS

- 2.1. A summary of the representations received are detailed below. Full details can be viewed on the Council's website.
- 2.2 16 Objection comments and 1 general comment has been received. The comments received raise a number of concerns with the development which have been summarised below:
  - The development will change the nature of the rural 'village' and would see it form part of Witney.
  - The development is an inappropriate use of the land/property, which was not allocated for housing within the WODC local plan.
  - The siting of the proposed development is inappropriately located within close proximity to a abattoir and sewage works which would give rise to amenity issues.
  - The proposed siting of the park and children's sports pitches are to be adjacent to the abattoir and sewage works.
  - The proximity of the development to the A415 and A40. The proposed and existing access arrangements, in terms of highway safety and amenity issues. The existing pedestrian links to Witney over the Costa and Lidl roundabout are already dangerous, this development would intensify people using these unsafe pedestrian routes.
  - The development by reason of its scale will have an overbearing and oppressive impact on surrounding areas/houses.
  - The village and surrounding area has been developed significantly in the last few years. The further increase in population will negatively impact the area, specifically by the increase in traffic and the impact this will have on road safety.
  - The village infrastructure cannot cope it terms of schooling capacity, GP, Dental and pharmacy services, water and waste management systems and its existing highway system.
  - The development should not go ahead until upgrades to the Thames Water facilities have taken place to meet the present and future needs of the village.

- The density of the development and the accumulative impact of other approved developments, will transform the local landscape and result in the loss of green space.
- The development would destroy habitat, harming wildlife, ecology and biodiversity.
- The development appears to lack truly affordable housing, social housing, community facilities, biodiversity/ecology restoration and climate adaptation/mitigation.
- Given the new housing developments within the locality and the current economic climate, it is unlikely that there is a need for a housing development of this size.
- The noise impact assessment states the plots on the immediate boundary to the A415 will require 'high specification glazing' however, what about the harm to the garden space or during the summer when the occupants will likely have their windows open? In light of these findings, existing boundary plots should be retro fitted with such glazing to avoid discrimination.
- Increase in pollution through additional traffic and congestion and sewage pumped into rivers.
- Loss of permeable drainage
- The concerns raised as part of application 21/03405/OUT are relevant to this application and should not be discarded.

2.3 A detailed submission from WASP (Windrush Against Sewage Pollution) is available online setting out several points relating to the discharge of untreated and poor-quality sewage into local watercourses. WASP takes no position with respect to the development proposal but raises concerns with the ability of Witney STW to handle foul water from the proposed development, and odour. WASP suggest an odour modelling assessment, in consultation with the Local Planning Authority (LPA) in consultation with Thames Water (TW) should be secured by condition.

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

3.1 The Supporting Planning Statement concludes their case as follows:

*3.2 The documents and plans submitted with the application provide a set of parameters and design principles which provide a robust framework for a high-quality development being delivered at this Site.*

3.3 *The Proposed Development will provide many benefits including:*

- *Provision of up to 385 high-quality new homes to help meet an identified shortfall in housing supply within West Oxfordshire District;*
- *40% of homes to be provided as affordable including various tenures (including First Homes) and sizes of units;*
- *All homes will meet M4(2) standards and 5% of homes provided to meet M4(3) standard; o Development in a sustainable location with enhanced pedestrian and cycle links to the town centre and A415;*

- New homes designed in accordance with the Energy Hierarchy to meet the requirements of current Building Regulations and will take account of future changes to the Building Regulations and Future Homes Standard when these are implemented;
  - Provision of land for employment generating uses (Use classes B2/B8);
  - 11.69% Biodiversity Net Gain which far exceeds the minimum required;
  - Extensive high-quality sports and recreation offering including allotments, sports pitches and green infrastructure that supports a range of informal and formal activities for everyone's participation and enjoyment alongside ecological rich meadow areas, SuDS and productive landscapes.
- 3.4 Furthermore, there are no significant adverse impacts to delivering sustainable development on the Site, as demonstrated through the environment reports concerning arboriculture, landscape, archaeology, ecology, flood risk and transport all being submitted with this application.
- 3.5 The Proposed Development is identified as being in general accordance with the plan policies when taken as a whole.
- 3.6 Furthermore, taking account of an identified five-year housing land supply, any narrow conflict with policies which are the most important for determining the application, should be afforded very limited weight. In accordance with paragraph 11d) ii. of the NPPF, applying the tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole.
- 3.7 We therefore respectively request that planning permission should be granted for this application subject to appropriate planning conditions and obligations.

## **4 PLANNING POLICIES**

H1NEW Amount and distribution of housing  
 H2NEW Delivery of new homes  
 H3NEW Affordable Housing  
 H4NEW Type and mix of new homes  
 H5NEW Custom and self build housing  
 OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS3NEW Prudent use of natural resources  
 OS4NEW High quality design  
 OS5NEW Supporting infrastructure  
 EI1NEW Land for employment  
 E2NEW Supporting the rural economy  
 E5NEW Local services and community facilities  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 EH4 Public realm and green infrastructure  
 EH5 Sport, recreation and childrens play

EH7 Flood risk  
EH8 Environmental protection  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
EH14 Registered historic parks and gardens  
EH15 Scheduled ancient monuments  
EH16 Non designated heritage assets  
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 an outline application (all matters reserved except for means of access with the A415) for up to 385 residential dwellings (use class c3), up to 1.22ha of employment land (use classes B2/B8), public open space, landscaping, drainage infrastructure, and other associated engineering works.
- 5.2 The site 'Land North East of Ducklington Farm Course Hill Lane Ducklington'. The Site comprises 29.27 hectares of open agricultural land, which is located to the west of Ducklington and south of Witney/the A40 dual carriageway.
- 5.3 The northern boundary of the Site is defined by the existing Witney Sewage Treatment Works (STW) and an Abattoir operated by Mutchmeats Ltd, the east of the site is bound by the A415, whilst the south is defined by Curbridge Lane, a rural lane connecting the A415 and the A4095 and a triangular parcel of agricultural land.
- 5.4 The site includes a number of tree belts and mature hedgerows. The Environment Agency's online flood mapping shows the site is located entirely within Flood Zone I. The site is publicly accessible via a public right of way (PRoW) (194/14/40) which extends close to the western corner of the site. This PRoW extends from the A40 to Curbridge Road, and connects into a network of PROW's to the south of the site (194/14/30, 194/18/20 and 194/15/10).
- 5.5 Ducklington Conservation Area is located approximately 117m to the south east, at its nearest point (when measured from the submitted red line boundary near Moors Close to the north western tip of the conservation area). A Grade II listed building (63 Witney Road) is located approximately 117m to the southeast of the site (again at its nearest point). Four non-designated heritage assets (locally listed buildings) are located between 99m and 182m to the southeast of the site.

## **Planning History**

### *The Site*

- 5.6 An Environmental Impact Assessment (EIA) Screening Request and accompanying report (planning ref: 22/00177/SCREEN) was received by the LPA on 17th January 2022 to establish whether the Proposed Development is EIA. The LPA responded on 1st February 2022 stating the application will constitute EIA development, due to:
- The potential impacts on human health due to the proximity of the Witney Sewage Treatment Works and Abattoir, and;
- The cumulative effects arising from other developments within the area and the future potential development of the wider area of land in the same land ownership/control as this site.
- 5.7 An EIA Screening Direction was submitted (ref: PCU/EIASCR/D3125/3292234) to the Secretary of State (SoS) on 4th February 2022. On 4th May 2022, the SoS confirmed that the Proposed Development was not EIA development having taken into account the selection criteria in Schedule 3 to the 2017 Regulations and therefore the Secretary of State does not consider that the proposal is likely to have significant effects on the environment.
- 5.8 The application site has previously been considered as part of the Council's SHELAA in 2016 forming part of SHELAA site 189 (land south of the A40 - Colwell Green) which covered a total area of 107.13 Ha.
- 5.9 The SHELAA assessment concluded that "The site is divorced from Witney by the A40 and development of this site would result in unsustainable urban sprawl, dependent on car travel, subject to a poor level of residential amenity and causing the coalescence of Witney with the outlying villages of Ducklington and Curbridge". The assessment recognised that "This option will need to be reconsidered against other reasonable alternatives in terms of the future long term growth of Witney but at the present time is not considered suitable, necessary or appropriate".
- 5.10 Importantly, the wider site was also considered as part of the Local Plan Examination in 2017/2018, with the Council preferring to allocate land to the east and north of Witney. After considering all representations and available evidence, the Inspector concluded in his report (paragraph 111) that 'In terms of the strategic sites rejected as SDAs in Witney and Carterton (land at South Witney, West of Downs Road and North East Witney and at West Carterton and North Carterton) my visits to all these confirm as reasonable the Council's judgements, in particular that development of these sites would not be well-related to the existing built-up area, in terms of either character/appearance or accessibility'.

### *Other Relevant Planning History*

## **5.11 21/03405/OUT: Land East Of Witney Road Ducklington**

Outline planning permission for up to 120 dwellings with associated landscaping and infrastructure with detailed vehicular access from Witney Road (with all other matters including other access arrangements reserved). Refused 10.03.2022

Refusal reasons:

1. The proposed development is not limited development which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not avoid the coalescence of Witney and Ducklington; would not protect the local landscape or setting of Ducklington or Witney; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. While the development would provide some economic benefits, would add up to 120 homes to West Oxfordshire Housing stock, would meet some of the affordable housing need in Ducklington, and would create off site biodiversity net gain, these benefits are insufficient to outweigh the clear conflict with the Development Plan as a whole. As such, the proposed development is contrary to policies H2, OS2, OS4 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the National Planning Policy Framework 2021.

2. The site has a strong possibility of containing remains of archaeological importance. The Applicant submitted a desk-based assessment, which states that the significance of any archaeological deposits is likely to be low. However, there is insufficient information on the nature, date, survival and rarity of any features to understand their significance and as such; the results of an archaeological evaluation is required prior to the determination the application. As the required archaeological evaluation has not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed development would affect this significance. As such, the proposed development conflicts with Local Plan Policies EH9, EH15, EH16 and OS4; and the relevant paragraphs of the NPPF.

3. The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport; highways improvement schemes; education; waste; biodiversity net gain; or the Lower Windrush Valley Project. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH3, EH4, EH5, T1, T2, T3 and OS5.

5.12 On 09.01.2023, the Inspectorate allowed the appeal.

5.13 The appellant undertook an archaeological evaluation (trenching) and submitted the details to the Inspectorate along with a consultee reply from OCC raising no objection on archaeological grounds. This overcame the second reason for refusal.

5.14 The appellant submitted a signed Section 106 agreement to confirm 40% of the dwellings would be affordable. It also made financial contributions to The Lower Windrush Valley Area project, A40 improvements, public transport, sport/leisure, education, highway

works and a Traffic Regulation Order. These planning obligations overcame the third reason for refusal.

- 5.15 With regard to matters relating to the effect of the proposal on the character and appearance of the area particularly in terms of its scale, coalescence, loss of green space and contexts including the relationship with Witney Lake and Country Park and the Windrush Valley, the Inspector acknowledges conflict with the Development Plan. However, in paragraph 125 notes that 'in the context of the tilted balance therefore lead me to conclude that the appeal should be approved not in accordance with the development plan as material considerations indicate a decision otherwise is appropriate'.
- 5.16 With regard to heritage matters, while the level of harm to the conservation area differed between the Committee Report and the appeal decision, of note is that the Inspector agreed with the LPA that the public benefits outweighed the harm found (para 113).
- 5.17 The application was refused in March 2022 by Members (with an officer recommendation to refuse) when the LPA could demonstrate a five year housing land supply (5YHLS). Post decision, but pre appeal decision; the LPA could no longer demonstrate a 5YHLS.

#### **5.18 20/01556/FUL: Land To The Rear Of 110 Witney Road Ducklington**

An application for the erection of a two storey dwelling and associated landscaping (ref 20/01556/FUL) at Land To The Rear of 110 Witney Road (which is located 115m to the east of the site, next to the allotments) was received by the Council on 21/06/2020. The Council failed to determine the application within the prescribed period and the applicant subsequently appealed to the Planning Inspectorate to make a decision. Had the Council determined the application, planning permission would have been refused for the following reason:

*By reason of the proposed scale, design, and siting, the proposed dwelling would appear as an urban incongruous feature within the existing open character of this part of the village, and would not complement the existing pattern of development. The proposal as such is contrary to Policies OS2, H2 and WIT6 of the adopted West Oxfordshire Local Plan, the relevant paragraphs of the NPPF and both the West Oxfordshire Design Guide and the National Design Guide.*

- 5.19 The Planning Inspectorate dismissed the appeal finding harm to the character and appearance of the area that would not be outweighed but the benefits of the scheme. Noting that the proposal would conflict with the development plan when it read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

- 5.20 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;  
Layout, Design and Scale;  
Landscape Impact;  
Heritage Impacts;  
Archaeology;  
Odour;  
Highway Safety;  
Drainage and Flood Risk;  
Trees and Ecology;  
Residential Amenities;  
Accessibility;  
Health and Wellbeing;  
Sustainability;  
S106 matters; and  
Conclusion and Planning Balance

## **Principle of Development**

### *Development Plan*

- 5.21 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.22 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

### *Dwellings*

- 5.23 Ducklington 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'. However, the site is divorced from both Ducklington and Witney, separated from the main settlement of Ducklington by the A415 and Witney by the A40. As such, the development site is considered to be in 'open countryside.'

5.24 Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances such as:

- where there is an essential operational or other specific local need that cannot be met in any other way;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design; and
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

5.25 None of the exceptions listed above or as set out in Policy H2 or OS2 applies. As such, there is an in principle objection to new housing in this location.

#### *Employment*

5.26 Ducklington is identified as a 'village' in the settlement hierarchy of the Local Plan and Policy E2 supports new small employment sites in or adjacent to villages where they are commensurate with the scale of the settlement and the character of the area.

5.27 The operative word in Policy E2 (employment) is 'adjacent', which differs from H2 (dwellings) that require dwellings to be 'adjoining' the built up area. The employment area is to the immediate west of Lidl, south/southeast of the Witney STW and southwest of Ducklington Service Station. These read as 'out of town' development and officers do not consider these features to be sufficient to argue that the entire development site 'adjoins' the built up areas of Ducklington. However, officers are satisfied, for the purposes of employment, that the proposed employment area is considered to be adjacent to the village of Ducklington. Thus, the employment area is supported in principle.

#### *National Policy*

5.28 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

- 5.29 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.30 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (Identified in footnote 8).
- 5.31 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.
- 5.32 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

## **Layout, Design and Scale**

- 5.33 Policy OS2 includes a number of general principles which all development should be consistent with. The following principles are considered to be particularly relevant:
- 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;
  - Avoid the coalescence and loss of identity of separate settlements; and
  - Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.34 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced.
- 5.35 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.

- 5.36 The village comprises a wide mix of buildings, with much of the original, historic core in the eastern part of the built-up area (close to the parish church, rectory, village green and pond) being nucleated in character. The historic built-form extends westward along Witney Road, taking on a generally more linear character. These areas lie within the Ducklington Conservation Area. The bulk of the village lies to the west/south of Witney Road/Standlake Road and includes the areas built during the 1960s-80s. Much of the modern housing development has come forward since the 1990s by way of estate development of around 30 homes at a time.
- 5.37 The area of the village to the north is different in character to that in the south, being largely linear in nature, with limited development in-depth. Bartholomew Close is the main exception but this former farmyard lies within the historic village core where this character is more appropriate and only consists of 32 dwellings. For the most part, buildings along Witney Road are arranged fronting the street, many with gaps between buildings providing views towards rear gardens and/or open countryside, emphasising the relationship of the village with its surrounding rural landscape.
- 5.38 This rural landscape is one which reflects the village's location within the Windrush Valley. The West Oxfordshire Design Guide SPD identifies the Ducklington area as being low lying/floodplain within the Thames Vale. The Thames tributaries of the River Windrush and Queen Emma's Dyke flow north/south to the east of the village. The West Oxfordshire Landscape Assessment highlights the importance of the Windrush Valley in forming a strong edge to the village, the particular sensitivity of floodplain farmland to development and the need to retain and manage areas of floodplain pasture, water meadows and riparian vegetation and strengthen the landscape structure.

#### *Coalescence*

- 5.39 Policy OS2 seeks to avoid coalescence and loss of identity of settlements. Coalescence was considered by the Inspector for application 21/03405/OUT at 'The Moors' for the erection of up to 120 homes. The Council argued that the Moors forms a gap between Ducklington and Witney, thereby maintaining the separate identity and character of both settlements. The Council based part of its arguments as a result of the planning history associated with 110 Witney Road where the Inspector emphasised the 'notable gap' in built frontage at The Moors, its open fringe, connection to the countryside and its contribution to the 'attractive rural character and appearance of the area and the open setting around the outskirts of Ducklington'.
- 5.40 However, the Inspector for The Moors application pointed out that 'the Inspector reporting on the Local Plan in 2015 found that such a gap was not clearly defined. In any event whilst considering the need for a particular policy for this gap he concluded that

other policies were in place which seek to ensure that development protects the character of the area, to which the Council point to OS2' (paragraph 14).

- 5.41 Of note is that Inspector recognised 'that the appeal site, as an open space, does form a discernible gap between the groups of buildings on the Witney Road frontage. As such this gap may help some people segregate the village from the more intensive A40 roundabout area of development' (paragraph 17). Explaining that 'the role of the appeal site segregating groups of buildings would be reduced. This would lead towards more sense of coalescence, but I do not find this particularly significant due to the extensive development on the opposite side of the Witney Road' (paragraph 20).
- 5.42 Some important coalescence points were made by the Inspector in the decision for The Moors. Firstly, coalescence is a valid argument to make. Secondly, two inspectors point out that OS2 is a mechanism to prevent the coalescence of settlements. Thirdly, that extensive development exists on the western side of Witney Road. Finally, that the appeal site had a 'role' in segregating groups of buildings.
- 5.43 Officers agree that extensive development (dwellings) are present on the western side of Witney Road. However, those dwellings are contained by the A415 and dwellings do not encroach beyond the A415 to the west at any point. Whilst officers accept that there has been some increased 'urbanisation' of the area around the Ducklington roundabout with recent commercial development having taken place, there still remains a good degree of separation between the proposed application site and the edge of Witney/Curbridge. The gap between Witney, Ducklington and Curbridge remains a key planning consideration in the context of the need to avoid coalescence between the settlements and protect their individual identities. The development of the application site will lead to coalescence between separate settlements and as such is contrary to policies OS2 and H2.

#### *Proportionate and Appropriate Scale to its Context*

- 5.44 Policy OS2 requires development to be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality. Such an approach to development reflects how the village has evolved over the last 30 years or more, with, for instance, new homes having been built on small infill sites within the built up area and on sites adjoining the village, the largest three in particular being: Bartholomew Close in 1993 with 32 dwellings (on a disused farm yard); Fritillary Mews in 2007 with 26 new homes (on part of a former mill site); and Mill Meadow in 2017 with 24 (on a greenfield site).
- 5.45 The 2011 national census (Office of National Statistics) found that Ducklington contained 645 households. The Moors appeal decision granted up to, a further 120 dwellings. This application proposes up to 385 homes. Taking into account permissions granted since 2011 for new dwellings in Ducklington, this up to 385 homes would result in an approximate increase of dwellings of at Ducklington of 49%. Whilst the term 'limited' is not defined in the Development Plan, an increase in dwellings of 49% is not

'limited development'. Indeed, the Inspector for The Moors found that the erection of up to 120 dwellings 'would conflict with Policy OS2 in terms of not being limited in scale'. This application proposes 265 more homes than was already found not to be limited and as such, results in significant conflict with that criterion of OS2.

- 5.46 Officers acknowledge that the Inspector also found that The Moors could 'accommodate 120 dwellings at low density. I find that the proposal would not be seen or perceived to be overwhelming and would not undermine the form of the settlement, so in these respects would not conflict with Policy OS2' (paragraph 40). Officers are mindful of these findings. However, the Inspector made the point that The Moors development would not undermine the form of the settlement. Officers consider the converse to be true for this current application. Ducklington is approximately 1.5km in length (when measured from Ducklington Roundabout to Fritillary Mews) and extends in a south easterly direction. This development site is approximately 0.85km in length (when measured from the rear of Lidl to the south western point where the site meets Curbridge Road) and extends in a south westerly direction. The development stretches out into open landscape in the differing direction to Ducklington, thus it is clearly contrary to the settlement pattern. Furthermore, as it extends some 0.85km (56% of the entire length of Ducklington) and would result in a nearly 50% increase in the number of homes of Ducklington. It would undermine the form of the settlement, would not respect the village character and local distinctiveness and it is not of a proportionate and appropriate scale to its context.
- 5.47 In addition to the bulk of the development, the plans show a pedestrian/cycle path running from the development site, within the triangular field to the south of the site (to the north of Curbridge Road), to join the A415 to the south. While the design of this route could be mitigated at reserved matters stage. The path is isolated and encloses the field to the south, creating, in effect, a much larger development site. Indeed, while not a material consideration for this application, as each application is assessed on its merits and against the prevailing policies and guidance of the time. The LPA would struggle to resist the future development of this triangular field, noting that should this current application be approved, the field would be bounded by built form on two sides and roads on the remaining two. Nonetheless, taking the path alone, it bears little relationship to the development itself, or Ducklington. Instead appearing as an afterthought in the design process, appearing contrived and isolated in the landscape.

## Landscape Impact

- 5.48 Local Plan Policy EH2 states 'The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.'
- 5.49 New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds.

- 5.50 Conditions may be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration'.
- 5.51 The site is included within Natural England's National Landscape Character Area (NCA) 108: Upper Thames Clay Vales. At a local scale, the LPA classifies the site as being within LCA 10 Bampton Vale as part of landscape character type (LCT) Semi-enclosed Rolling Vale Farmland.
- 5.52 This is an outline application with the proposed landscaping and layout being reserved for consideration at reserved matters stage. Thus, the principal consideration at the outline stage is the impact of the proposal upon the existing landscape character. Nevertheless, the design and access statement is required to inform the detail to be brought forward at the reserved matters stage having regard to how the development responds to the site and its setting. Alongside the Design and Access Statement, the applicant has submitted a Landscape and Visual Impact Appraisal (LVIA).
- 5.53 The submitted Planning Statement explains that the 'majority of existing trees would be retained to maintain the existing landscape structure and character, including the distinctive linear tree belts to the southeast. Development has been set back from existing vegetation to ensure the continued health and viability of existing trees; existing hedgerow vegetation along the western and southern boundaries would be reinforced with new mixed, native, shrub and tree planting to enhance the hedgerow network and help screen potential views into the site from the public right of way network beyond the site, Curbridge Lane and dwellings to the south' (paragraph 5.16).
- 5.54 The submitted LVIA assesses the effect of the proposal on the landscape as a resource in its own right and assesses the effect on specific views as well as the general impact upon visual amenity experienced. The report assesses the effect on the landscape taking into account existing elements of the landscape that will be lost or changed and the degree to which key characteristics of the landscape will be altered by removal or addition of new elements.
- 5.55 The submitted Landscape and Visual Appraisal (LVIA) concludes that 'there would be a Major/ Moderate and negative level of landscape effect on the Gently sloping, agricultural fields, and relatively simple forms and colours, in both cases reducing to Moderate in the northern part of the site, and a Moderate and negative and negative level of landscape effect on the Sense of enclosure and Movement, noise and lighting, with the level of effect in relation to Movement, noise and lighting reducing to minor in the northern part of the site. All other landscape effects have been assessed as between Minor/ Moderate to Minor/ Negligible and Negative including effects on LCA Bampton Vale' (paragraph 7.1.2).
- 5.56 It is considered that the LVIA is a fair appraisal of the development site and its effect on the visual landscape. Officers are mindful that careful consideration will need to be made

at the reserved matters stage (should that be applicable) with regard to the proposed landscaping, design and layout. However, the illustrative masterplan shows retained tree belt planting, sustainable drainage system (SuDs), hedgerow planting, semi natural green space, allotments, a village green, green corridors, a MUGA, edible landscapes, plus orchard and meadow planting. These attract weight in support of the proposal. However, officers are mindful of the proximity of some of these features to the sewage treatment plant and this impact will be discussed in the odour and conclusion sections of this report.

- 5.57 Officers note the new pedestrian route connecting the development to the southern section of Ducklington. This route is through open countryside so lighting is likely to be resisted. Thus, having impacts on the use of the route in terms of safety and convenience. In addition, the urbanisation of the landscape by this new engineered route is a concern.
- 5.58 In regard to this urbanisation, this is also a concern where the scheme meets Curbridge Road at the southern and south western edges of the development site. Currently this area between Curbridge Road and the STW/Abattoir is open landscape. The bulk of the development in this area would read as an isolated form of development that bears little resemblance to existing built form in the area and does not take cues from the existing landscape character. The southern half of the development encroaches deep into open countryside with little landscape buffering. Forming, in effect one extremely large cul-de-sac. This is particularly harmful to the landscape in this area and the rural character of Curbridge Road.
- 5.59 The proposed development would have an urbanising impact on the setting of the village and the rural character of the immediate area. However, officers note that the site and immediate surroundings are not within a designated landscape and not a 'valued landscape' as identified in paragraph 174 of the National Planning Policy Framework. Nevertheless, the proposal would result in the loss of what is currently open agricultural land, and its replacement with housing, streets, lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape.
- 5.60 As such, the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

## **Heritage Impacts**

- 5.61 The grade II listed building 63 Witney Road is located approximately 117m to the southeast of the site and the development may affect its setting. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

- 5.62 In addition, Ducklington Conservation Area is located approximately 117m to the south east at its nearest point. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.63 Four non-designated heritage assets (locally listed buildings) are located between 99m and 182m to the southeast of the site.
- 5.64 Local Plan Policy EH9 (Historic environment), EH10 (Conservation areas), EH11 (Listed Buildings) and EH16 (Non-designated heritage assets) are applicable to the scheme.
- 5.65 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'.
- 5.66 Paragraph 195 of the NPPF highlights the need to assess the particular significance of the heritage asset would be potentially affected. In this context the contribution the setting makes to the significance is also therefore of relevance.
- 5.67 The Ducklington Conservation Area Character Appraisal states 'whilst it appears that Ducklington began as a nucleated settlement, subsequent spread along what was once an arterial road had established a strong linear character by the 17th century.' The Inspector for the Moors highlighted that the conservation area 'is drawn around the historic core of the village, which latterly spread towards Witney with outlying dispersed groups of buildings at Little Ducklington and other connecting roads' (paragraph 48). Also that there are only a few outward views from the village, so these are consequently noticed due to the otherwise enclosed streets. Similarly, the views into the village tend to be limited to the periphery' (paragraph 52).
- 5.68 The proposed development is outside of the conservation area; however, its relationship needs to be considered in terms of historical, social and cultural matters as well as visual connection. Of note is that there would be few views of the development site from within the conservation area, and where they are possible, they are interspersed with built form, and across the A415. For example, looking southwest from Curbridge Road (by the recreation ground) to the proposed pedestrian crossing; or from Witney Road, looking west between the breaks in built form and vegetation. However, these latter views are heavily restricted with only the tree line forming the boundaries of the development site visible in those views. Furthermore, other than its general agricultural character, the development site does not appear to have any historical, social or cultural relation to the conservation area.
- 5.69 As such, while the proposal would result in the urbanisation of the rural setting of the village and conservation area, the development site does not have any intrinsic historic

significance that would result in harm to the conservation area by this urbanisation. Therefore, the proposed development is not harmful to the setting or character and appearance of the conservation area.

- 5.70 Officers are mindful of the Grade II listed building and non-designated heritage assets (locally listed buildings) in relatively close proximity to the site. However, when considering the separation distances and built form between these heritage assets and the proposed development site, officers are satisfied that the proposed development would not harm the settings of the listed or locally listed buildings.
- 5.71 The proposal therefore accords with Local Plan Policies EH9, EH10, EH11 and EH16 insofar as they apply to the impact of the proposed development on listed and locally listed buildings, and the conservation area.

## **Archaeology**

- 5.72 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality design) all seek to conserve archaeology. Policy EH9 is clear in that 'archaeological remains.....are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss'.
- 5.73 The County Council Archaeologist commented that 'This site is located in an area of archaeological interest. The general archaeological background has been set out in a desk-based assessment undertaken for the site by Orion Heritage and submitted with this application. The site is located immediately north of an area where archaeological evaluation has recorded a ring ditch of Early to Middle Bronze Age date, potentially representing a barrow. Dispersed features of later Iron Age and Roman date were also recorded in the south-western, northern, and north-eastern parts of the site, and included ditches and associated pits, possible indicative of a nearby area of Iron Age to Roman domestic activity.'
- 5.74 The applicant has submitted a geophysical survey for the site, which has recorded a number of possible archaeological features. The geophysical survey however does not provide any information on the date and nature of these features or details of how well they survive. In addition to this, the geophysical survey undertaken in the adjacent site did not record the majority of the features later identified in the evaluation. It is therefore likely that this geophysical survey would also have not identified all archaeological features on the site. We have previously highlighted this to the applicant in our response to the scoping opinion where we said (A programme of archaeological investigation to test the veracity of the geophysical survey results will need to be undertaken ahead of the determination of any planning application for the site)'.
- 5.75 Of note is that the unknown impact to archaeology formed refusal reason 2 of The Moors refusal:

*The site has a strong possibility of containing remains of archaeological importance. The submitted desk-based assessment is inadequate and the application is not supported by an archaeological evaluation. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed development would affect this significance. As such, the proposed development conflicts with Local Plan Policies EH9, EH15, EH16 and OS4; and the relevant paragraphs of the NPPF.*

- 5.76 That refusal reason was only overcome by undertaking the required archaeological evaluation during the appeal process. Ultimately, refusal reason 2 was not defended by the LPA as the County Council Archaeologist withdrew their objection to the scheme, as the impact was then known and the proposal was found to have an acceptable impact on archaeology.
- 5.77 Paragraph 194 of the NPPF states 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. In the absence of an archaeological evaluation, the Council is unable to assess the impact of the scheme on any archaeological interest in the area.
- 5.78 Officers have discussed this issue with the agent and the applicant is willing to undertake the required archaeological evaluation. However, it is likely to come at some cost and the applicants preferred mechanism would be for the Committee Members to resolve to grant planning permission subject to undertaking the archaeological evaluation (and any other outstanding matters such as a S106), at which point, the applicant would undertake the required works. This option is open to Members should they wish to resolve to grant planning permission for the development.
- 5.79 The Council cannot currently demonstrate a 5YHLS and as such, paragraph 11 of the NPPF applies. Paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 5.80 As paragraph 11 applies, officers must grant permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. If outline planning permission was granted on the basis of the benefits of the scheme when taking into account the weight applied to the housing numbers in totality, amount of affordable housing provision or biodiversity net gain (for example). These benefits may be directly affected should the subsequent archaeological evaluation, find assets that warranted

preservation in-situ. It may be the case that housing numbers need to be reduced, thereby directly affecting and even nullifying the benefits of the scheme.

- 5.81 Furthermore, the LPA is considering access as part of this outline application and this may be affected by the unknown archaeological interest. Should the access be negated by the findings of the archaeological investigation, in all likelihood, a different access position would require a fresh application.
- 5.82 Officers have considered securing the archaeological evaluation by condition. However, paragraph 56 of the NPPF states 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' It is clear conditions that have such an unduly restrictive effect as to require a new planning application would be unreasonable.
- 5.83 It is likely, considering the amount and quality of archaeological interest in the immediate and wider area, that there may be archaeological remains in the development site. Policy EH9 is clear in that 'all applications which affect, or have the potential to affect, heritage assets will be expected to.....use appropriate expertise to describe the significance of the assets, their setting and historic landscape context of the application site, at a level of detail proportionate to the historic significance of the asset or area, using recognised methodologies and, if necessary, original survey. This shall be sufficient to understand the potential impact of the proposal on the asset's historic, architectural and archaeological features, significance and character.' As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed scheme would affect this significance.
- 5.84 Returning to when paragraph 11 of the NPPF is engaged, as is the case for this assessment. Paragraph 11 d)i. of the NPPF allows an LPA to refuse a planning application if 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. Footnote 7 attached to paragraph 11 d)i explains that 'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (**and other heritage assets of archaeological interest referred to in footnote 68**); and areas at risk of flooding or coastal change'.
- 5.85 This application may affect heritage assets of archaeological interest, thus footnote 68 applies. Footnote 68 of the NPPF states 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. As explained, it is not known whether the development site contains heritage assets of

archaeological interest and as such, it is not known if the potential archaeological interest would be demonstrably of equivalent significance to scheduled monuments.

- 5.86 It is not acceptable to secure the required archaeological investigation via pre-commencement condition(s) and in the absence of a Member resolution to grant permission subject to undertaking the required archaeological evaluation. The application is contrary to Local Plan Policies EH9, EH15, EH16 and OS4, which seek to conserve archaeology.

## **Odour**

- 5.87 The general principles of Policy OS2 states 'All development should.....Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.'
- 5.88 Policy OS4 states 'New development should.....enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate'.
- 5.89 Policy EH4 states 'Public realm and publicly accessible green infrastructure network considerations should be integral to the planning of new development. New development should..... provide opportunities for walking and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes'.
- 5.90 Policy EH8 states 'Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity'.
- 5.91 NPPF paragraph 92(b) states 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which..... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas'.
- 5.92 NPPF paragraph 130(f) states 'Planning policies and decisions should ensure that developments.....create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.
- 5.93 NPPF paragraph 174(e) states 'Planning policies and decisions should contribute to and enhance the natural and local environment by..... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land

instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.'

- 5.94 NPPF paragraph 185 states 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'.
- 5.95 The northern boundary of the application site immediately abuts Witney Sewage Treatment Works (STW). The northern boundary of the application site also immediately abuts an abattoir occupied by Mutchmeats'.
- 5.96 The submitted 'Odour Assessment' explains that the 'STW primarily treats sewage of a domestic origin, although it is understood that there are some trade inputs including an abattoir located next to the site (which has a separate rising main into the inlet) and a brewery. The works also receives cess imports' (paragraph 3.2).
- 5.97 There are a range of odour sources associated with the sewage and sludge treatment activities that are conducted at Witney STW and the abattoir. These are set out in detail in the submitted technical reports. The current nearest residential receptors are located approximately 250m to the north and east of the STW boundary, both of these areas comprise a number of dwellings.
- 5.98 The impact of odour is measured by reference to European Odour Units (OUE/m<sup>3</sup>), an hourly mean odour concentration which is not exceeded for 98% of the time. The models produce isopleths (lines on a plan) of equal concentration
- 5.99 In its simplest terms, odour is measured by the receptor sensitivity (as set out below) and the offensiveness of the odour (also set out below). These are taken from the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of odour for planning' (Version 1.1 - July 2018).

#### Receptor sensitivity

- 5.100 A *highly sensitive receptor* is land where users can reasonably expect enjoyment of a high level of amenity. Where people would reasonably expect to be present here continuously, or at least regularly. Examples may include residential dwellings, hospitals, schools/education and tourist/cultural.
- 5.101 A '*medium sensitivity receptor*' is land where users would expect to enjoy a reasonable level of amenity, but wouldn't reasonably expect to enjoy the same level of amenity as in their home; or people wouldn't reasonably be expected to be present here continuously or regularly for extended periods as part of the normal pattern of use of the land. Examples may include places of work, commercial/retail premises and playing/recreation fields.

- 5.102 A 'Low sensitivity receptor' is land where the enjoyment of amenity would not reasonably be expected; or there is transient exposure. Where people would reasonably be expected to be present only for limited periods of time as part of the normal pattern of use of the land. Examples may include industrial use, farms, footpaths and roads.

#### *Offensiveness of the odour*

- 5.103 Most offensive odours (1.5 ouE/m<sup>3</sup> 98th percentile (hourly average)) are processes involving decaying animals or fish remains; septic effluent or sludge; or biological landfill odours.
- 5.104 Moderately offensive odours (3 ouE/m<sup>3</sup> 98th percentile (hourly average)) are processes involving intensive livestock rearing; sugar beet processing; fat frying (food processing); or well aerated green waste composting.
- 5.105 Less offensive odours (6 ouE/m<sup>3</sup> 98th percentile (hourly average)) are processes involving brewery; coffee roasting; confectionary; or bakery.
- 5.106 The submitted Odour Assessment explains that 'in Olfasense's experience, the potential for adverse odour impact, at highly sensitive receptors, typically starts to occur at odour exposure levels of C98, 1-hour = 3 to 5 ouE/m<sup>3</sup> for odours which are generally classified as moderate to highly offensive (e.g. well operated sewage works where most raw sludge handling operations or septic influent are well contained, and odour controlled)'.
- 5.107 However, the possibility of occurrence of adverse odour impact and complaints at odour exposure levels below C98, 1-hour = 3 ouE/m<sup>3</sup> cannot be completely excluded, especially at sites that are likely to receive septic sewage inflows, highly odorous trade discharges or septic sludge, and where containment and control measures are not working effectively' (paragraph 2.3).
- 5.108 It is important to note the submitted Odour Assessment found that 38% of the odour emissions from Witney STW was attributed to sludge handling and storage. The report notes that odours which are generally classified as moderate to highly offensive include sludge handling operations. Thus, for this application, the odour emissions from Witney STW are considered to sit between the moderate to highly offensive categories. However, this can vary depending on weather, amount, time of year etc.
- 5.109 Although there are currently no statutory limit values for the assessment of odour concentrations in England, the EA's H4 guidance identifies a benchmark criterion, based on 98th percentile of hourly average concentrations over a calendar year, of C98, 1-hour 1.5 ouE/m<sup>3</sup> at the boundary of the installation for the most offensive odours.
- 5.110 IAQM guidance takes this further, identifying odour effect descriptors for impacts predicted by modelling. It indicates that for most offensive odours, an odour exposure level of C98, 1-hour 0.5 to <1.5 ouE/m<sup>3</sup> would have a slight adverse effect on high

sensitive receptors, whereas a level of C98, 1-hour 1.5 to <3.0 ouE/m<sup>3</sup> would have a moderate adverse effect on high sensitive receptors and a slight effect on medium sensitivity receptors.

- 5.111 For moderately offensive odours. IAQM guidance indicates that an odour exposure level of C98, 1-hour 1.5 to <3 ouE/m<sup>3</sup> would have a slight adverse effect on high sensitive receptors, whereas a level of C98, 1-hour 3.0 to <5 ouE/m<sup>3</sup> would have a moderate adverse effect on high sensitive receptors and a slight effect on medium sensitivity receptors.
- 5.112 It is very important to note that IAQM guidance states that 'where the overall effect is greater than slight adverse, the effect is likely to be considered significant'.
- 5.113 The applicant has submitted an 'Odour offset requirement plan' showing the isopleths of Sewerage works odour exposure levels of less than 3ouE/m<sup>3</sup> (purple dashed line), and less than 5ouE/m<sup>3</sup> (blue dashed line), also a 200m odour offset from Abattoir (orange dashed line). These lines show the relationship of the proposed development to the odours from the STW and abattoir. The odour offset requirement plan is an amalgamation of the submitted Odour Assessment and a previous version (Rev B) of the Illustrative Masterplan. Officers note however, that the 1.5 3ouE/m<sup>3</sup> isopleth is not mapped on the odour offset requirement plan. As explained above, for most offensive odours, moderate adverse effect on high sensitive receptors occurs at 1.5 to <3.0 ouE/m<sup>3</sup> and IAQM guidance explains this impact would be significant. For moderately offensive odours, the same significant impact occurs at 3.0 to <5 ouE/m<sup>3</sup>.
- 5.114 The Odour Assessment (table 14) shows 14% of the development land to be above the 3 ouE/m<sup>3</sup> and (assuming the bottom row of the table has a typo as >3 ouE/m<sup>3</sup> is duplicated) shows 33% of the development land to be above the 1.5 ouE/m<sup>3</sup>. Taken from the most offensive benchmark, 33% of the development land would have a significant impact from odour. Taken from the moderately offensive benchmark, 14% of the development land would have a significant impact from odour. Of course, Witney STW sits between these and as such, the significant impact from odour is likely to be between 14% and 33% of the development land.
- 5.115 IAQM guidance states 'Odour assessment methodology, as it has developed in Europe and UK over the last 35 years, has become well-established. The predictive, quantitative approach involves obtaining estimates of the odour source emission rate, use of the emissions in a dispersion model to predict 98th percentile concentration at sensitive receptors and comparison of these with criteria that have evolved from research and survey work. At the present time, this remains an accepted technique and the IAQM supports this.'
- 5.116 What is not entirely clear from the scientific data, is the level at which the odour concentration should be set and whether different concentrations should be set for different odours and in different settings. In addition, it appears that the C98 metric is predicated on the basis of a constant odour emission, whereas many odour emissions

are intermittent or only occur for certain periods within a calendar year. In this case, the situation can arise where, over the year, a C98 concentration of, say, 3 ouE /m<sup>3</sup> may be complied with but, over the period for which the odour is emitted, it may be exceeded'.

- 5.117 In 2007, Defra published Code of Practice on Odour Nuisance from Sewage Treatment Works (STW), which provides both general and specific advice to local authorities and STW operators for the avoidance of odour nuisance. It did not, however, provide guidance on what are acceptable odour annoyance criteria, in terms of odour concentrations. In Section 3.3 "Planning Controls and Amenity", it is stated 'The occupiers of any new development are likely to expect and demand high amenity standards and this could result in complaints.' No guidance is offered as to where, on the scale of concentrations, a standard should be set'. That publication was withdrawn on 15 September 2017 and as such is out of date. However, references are still made to this document in the current 'Guidance on the assessment of odour for planning', published by IAQM: April 2014, reissued July 2018'. The latter report is referenced within the applicants Odour Assessment.
- 5.118 In short, there are no hard and fast rules for odour impact. While IAQM guidance indicate that 'where the overall effect is greater than slight adverse, the effect is likely to be considered significant', real world affects can vary. Such a case has occurred as reported in a Defra publication ((DEFRA (2011) Guidelines for Environmental Risk Assessment and Management. Greenleaves III. Case Study Box 4, pages 24-25) where a concerted and comprehensive odour emission sampling and modelling campaign revealed C98 concentrations well below the most stringent 1.5 ouE /m<sup>3</sup> criterion, but where up to 50 complaints about odour per day arose. Indeed, even the applicants own odour Assessment does not explicitly state what would be an acceptable odour impact, summarising in point 6.2 that 'the modelling indicates that the areas of the proposed development land where exposure levels are predicted to exceed C98, 1-hour = 3 ouE/m<sup>3</sup> are at risk of odour impact. **However, ultimately the choice of criteria to be applied for planning and development purposes would be defined on the basis of the risk appetite of the parties involved (e.g. Thames Water and the Local Planning Authority).**

#### *Position of Thames Water*

- 5.119 Thames Water states in their most recent comment (dated 9 November 2022) that 'Thames Water (TW) has contacted the developer in an attempt to discuss potential impacts on amenity from Treatment Works including (but not limited to) ODOUR, NOISE, LIGHTING and FLIES, but has been unable to do so in the time available.....Our response reflects our concern the applicant has failed to demonstrate future occupiers of the proposed development will have adequate amenity including (but not limited to) ODOUR, NOISE, LIGHTING and FLIES. Given the proposed development's proximity to the Sewage Asset, we object to the planning application.

- 5.120 Background - The amenity of those who will occupy new development must be a consideration in deciding whether or not to grant permission for new developments.
- 5.121 Amenity - The applicant must therefore include an assessment of potential impacts on amenity for future occupiers of the proposed development. This should include an appraisal of existing odour, noise, flies and lighting from the Sewage Asset and its potential impact on future occupiers of the proposed development. The Local Planning Authority (LPA) must ensure they are satisfied with the applicant's assessment that the amenity of future occupiers of the proposed development will be acceptable. If amenity is considered acceptable by the LPA, we would request any proposed mitigation set out in the assessment is controlled via a planning condition.
- 5.122 Odour - Odour can be a particular issue at our sewage assets. It's important to ensure development which might be sensitive to the odour environment in the vicinity of existing assets is not permitted to take place unless: (a) it can be established it will be located or designed in such a manner as not actually to be sensitive to such odour; (b) funding is made available by the applicant for the installation of odour treatment apparatus sufficient to overcome any conflict between the development and uses proposed. To address odour as an environmental impact, the applicant should submit an odour assessment to demonstrate there will be no adverse impact in relation to odour. The odour assessment should be based on assessing onsite odour emissions. The assessment should also include an outline of an odour mitigation measures strategy. If the odour assessment is considered acceptable by the LPA and TW, we would request any proposed mitigation set out in the odour assessment is controlled via a planning condition'.
- 5.123 Officers have also received informal correspondence that the STW is likely to expand by 6% in the next few years. While this expansion is at an early stage, it is a material consideration.
- 5.124 TWA as the asset owner is objecting to the scheme on odour grounds and they are requesting a further assessment to understand the impacts. As the asset owner, the views of TWA carry significant weight. It is the responsibility of TWA to operate the STW according to the relevant legislation and guidance. If they are objecting to a scheme in close proximity to a STW they run, this is a significant material consideration.

#### *Odour Impacts*

- 5.125 Taken as a possible worst case scenario, 33% of the development land would experience a significant odour impact. This percentage may also increase if the 6% STW expansion goes ahead. However, as explained, impacts can occur at much lower levels than may be considered technically acceptable. The applicants odour offset requirement plan omits the 1.5 ouE /m<sup>3</sup> odour isopleth. If it were included, arguably the vast majority of the dwellings proposed to the north of the main spine road shown on the Illustrative Masterplan would be affected by odour. Thus, it would significantly reduce the quantum

of development to well below the 'up to 385 homes' proposed and would in turn significantly reduce the benefits of the scheme.

- 5.126 In addition to the quantum of development being affected. A number of proposed dwellings would be affected by the odour from the STW/abattoir. This was noted from third party objectors, as well as the Parish Council, the Council's response to a screening opinion on the site (22/00177/SCREEN), the Council's policy team consultation replies for this application, the Council's Environmental Regulatory Services Officers and TWA, with the latter two both objecting on odour grounds. When considering the proximity of dwellings against the assessment completed above, it is clear that the siting of a number of dwellings in such close proximity to the STW/abattoir would affect how the occupiers use their homes and gardens and is likely to result in an unacceptable impact on the living conditions of the occupiers of a number of proposed dwellings, to the detriment of their living conditions.
- 5.127 In addition to the impact to the living conditions of the occupiers of the dwellings. The proposed public open space, allotments, informal kick about area, and MUGA are all within the >3 ouE /m<sup>3</sup> isopleth and as such are significantly impacted by odour. Officers acknowledge that these uses fall within the medium receptor sensitivity, where users would expect to enjoy a reasonable level of amenity, but wouldn't reasonably expect to enjoy the same level of amenity as in their home. However, there are issues nonetheless. Firstly, the weight that can be given to the benefits of the proposed public open space, allotments, informal kick about area, and MUGA are reduced by virtue of the odour impacts in the area. However, importantly, as Local Authority Planning Officers, we must be mindful of the quality of the places we create. This is confirmed in paragraph 92(b) of the NPPF, which states 'decisions should aim to achieve healthy, inclusive and safe places which' create 'high quality public space, which encourage the active and continual use of public areas'. When considering the likely odour impacts of these spaces, it is difficult to see that these public areas would be in continual use, or be considered quality. Indeed, it is likely the public would avoid using these spaces.
- 5.128 Officers acknowledge that this is an outline application, and the applicant has indicated they are willing to do further work to assess the odour impacts. Such assessments could be secured by conditions and then addressed at reserved matters stage. However, the site is somewhat linear in nature and this limits the space available to develop. If development were required to move further from the STW/abattoir, this would accentuate the harm already identified within the layout, design and scale section of this report. Furthermore, it is accepted that odour impacts are a consideration at outline stage and as such, officers do not consider that such conditions are appropriate for this development.
- 5.129 To conclude the odour section. Officers have found harm to the living conditions of future occupiers of the dwellings, that the quantum of development would be affected, that conditions are not appropriate to control the impacts, that the public open space, allotments, informal kick about area, and MUGA would be affected, leading to less public use, and that the quality of the development as whole is unacceptable. The proposed

development therefore conflicts with Local Plan policies OS2, OS4, and EH8 and paragraphs 92, 130, 174 and 185 of the NPPF.

## **Highway Safety**

- 5.130 OCC Highways initially objected to the scheme in August 2022 on a number of technical grounds.
- 5.131 Following several submissions of further details to overcome the objections, a final comment from OCC Highways was received on 14/02/2023. They now raise no objection subject to planning obligations and conditions as set out in their response of August 2022.
- 5.132 As the relevant specialists, the opinion of OCC Highways carries significant weight and their formal position is one of no objection.

## **Drainage and Flood Risk**

- 5.133 The site is entirely within flood zone I and as such is at the lowest risk of flooding. The Lead Local Flood Authority (LLFA) at OCC initially objected to the scheme. However, following the submission of further details from the applicant, the updated LLFA position is 'No objection subject to conditions'. Should permission be granted, those conditions will be applied.
- 5.134 Thames Water (TWA) were consulted on the scheme and they have submitted comments in June, August and November 2022. The most recent comment dated 9 November 2022 explains that 'Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal'. TWA have requested the following condition be applied to any permission in regard to foul water:

"The development shall not be occupied until confirmation has been provided that either:-

- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-
- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan."

- 5.135 With regard to the off site water infrastructure needs to serve the development. TWA states 'Thames Water have identified that some capacity exists within the water network to serve 45 dwellings but beyond that upgrades to the water network will be required. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of

'essential infrastructure'. TWA have requested the following condition be applied to any permission in regard to water:

"There shall be no occupation beyond the 45 dwelling until confirmation has been provided that either:-  
all water network upgrades required to accommodate the additional demand to serve the development have been completed; or-  
a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan."

- 5.136 The applicant has indicated that they do not agree such conditions are required, or that they would meet the tests set out in paragraph 56 of the NPPF, however, if such conditions were the difference between granting permission, or not, they would accept the conditions.
- 5.137 TWA state that there is currently insufficient capacity in their network to accommodate the needs of the proposed development. Officers are mindful of the position of TWA in relation to the foul water and off site water infrastructure required to serve the development. Officers are also mindful of paragraph 188 of the NPPF which directs Local Planning Authorities as follows 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'
- 5.138 TWA has a statutory duty to provide the services that fall within their remit to the new dwellings/employment area. Thus, a refusal reason could not be sustained in relation to the inability of TWA to provide such services. Furthermore, there is some doubt and ongoing conversation whether the conditions required by TWA would meet the conditions tests as set out in paragraph 56 of the NPPF. However, it must also be acknowledged that TWA currently cannot provide such services and as such, upgrades to their network will be required. It is unknown what upgrades are required, or indeed, how long they may take to complete. This is a material consideration, particularly as it would likely affect the deliverability of the scheme. Which in turn, affects how long it would take to build out the homes, thus stymieing the possibility of these homes actually meeting the identified shortfall in WODC housing supply. This reduces the weight that can be afforded to be the benefits of the scheme in relation to affordable housing, economic benefits, and the overall quantum of development.
- 5.139 TWA also commented that 'the proposed development is located within 5m of a strategic water main. Thames Water do not permit the building over or construction

within 5m, of strategic water mains'. TWA requested that the following conditions be added to any planning permission.

"No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works"; and

"No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement".

- 5.140 Should permission be granted, it is likely these latter two conditions would be applied.
- 5.141 As the proposed dwellings will be in flood zone I and in light of the views of the relevant specialists. Officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere. However, the position of TWA in relation to foul water/water infrastructure and the likely deliverability impacts/reduction of benefits of the scheme are noted.

## Trees and Ecology

- 5.142 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'.
- 5.143 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.
- 5.144 The biodiversity officer explains that the proposed development will require a badger Sett to be closed under licence from Natural England. In addition, in the absence of appropriate mitigation, construction activities could cause badger tunnels to collapse. Therefore, prior to the commencement of works, a construction ecological management plan (CEMP) will need to be submitted to and agreed in writing by LPA. The CEMP will need to include details of an appropriate buffer zone in which construction activities, including storage will not take place. Furthermore, the CEMP will need to include details of an exclusion and sett closure exercise based on up-to-date monitoring surveys of the Sett.

- 5.145 In addition to badgers, the report identified boundary hedgerows and woodland belts as nocturnal corridors, utilised by nesting birds and foraging and commuting bats, the site also provides suitable habitat for small mammals, including hedgehogs, polecat and harvest mouse; all priority species. Therefore, the CEMP will need to include appropriate mitigation to ensure all identified protected and priority species are safeguarded from the construction phase. The CEMP will need to outline preventative measures to prevent degradation to key habitat features, including retained hedgerows, trees, woodland belts and dry ditches.
- 5.146 The submitted ecological report and proposed site plans refer to habitat enhancements including meadow planting, orchard planting, SuDS schemes, native tree planting, hedgerow and scrub planting, bird and bat boxes and hedgehog friendly fencing. However, limited details have been provided and as a result, an ecological design strategy is recommended to ensure all features are designed, established and managed to enhance the site for biodiversity. This could be secured by condition or through the reserved matters application.
- 5.147 Results from bat static monitoring surveys and walked bat transect surveys confirmed the majority of bat activity is associated with boundary hedgerows and plantation woodland belts. Therefore, any external lighting will need to be sensitively designed to prevent light spill towards these retained features. In addition, as badger Setts have been identified on and in close proximity to the site, lighting should be directed away from the identified setts and their associated habitats. Lighting should not be directed towards biodiversity enhancement features, including the proposed SuDS schemes, orchards, bird and bat boxes and meadow planting areas. This could be secured by condition or through the reserved matters application.
- 5.148 With regard to biodiversity net gain (BNG), the applicant has submitted a biodiversity net gain assessment using the 3.1 Defra metric, which has demonstrated a measurable net gain of 14.90% in habitat units and 11.26% of hedgerow units on-site. However, a biodiversity management and monitoring plan is recommended to ensure on-site biodiversity net gain, as detailed in the submitted report is secured and maintained for the required 30-year period.
- 5.149 Natural England (NE) were consulted and they have not raised an objection regard to the impacts on the nearby Ducklington Mead SSSI as they consider that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.
- 5.150 NE explain that the surface water flow from the proposed development will flow in either a north-westerly direction into the Colwell Brook or easterly into the River Windrush, both of which form part of the Lower Windrush Valley Conservation Target area. Therefore, the detailed design of an onsite Sustainable Drainage System (SuDS) should be submitted and agreed with West Oxfordshire District Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no

deterioration in water quality or changes in water quantity due discharges from the proposed development. This can be dealt with by planning condition or obligation.

- 5.151 Impact to trees are acceptable with the application of suitable tree protection/replacement measures.
- 5.152 The proposed development is likely to result in BNG of 14.90% in habitat units and 11.26% of hedgerow units on-site. Although 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 proposed BNG figures therefore far exceed what is required by law and national/local policy.
- 5.153 The proposal would result in BNG and the proposals would have an acceptable effect on biodiversity. As such, the scheme accords with Policy EH3 in that regard.

### **Residential Amenities**

- 5.154 As this application is outline, the size, position, orientation of dwellings are not being assessed. However, noise, disturbance and odour can be considered. Odour is considered in detail in the section above so will not be repeated here.
- 5.155 Air quality is a factor in considering the acceptability of the proposal as regards the residential amenity of future occupiers of the site. The WODC Air Quality Officer recognises this and requested further assessment in regards to the cumulative impacts of the scheme in relation to other development schemes. This further assessment was provided and the WODC Air Quality Officer is now satisfied that the proposed development would not have an unacceptable impact on air quality either individually or cumulatively.
- 5.156 With regard to contaminated land and potential risk to human health. The WODC Technical Officer (Contamination) recommends a site investigation to ascertain the nature and extent of any contamination, and a remediation scheme, if required. This could be secured by condition.

### **Accessibility**

- 5.157 The submitted illustrative masterplan shows the proposed development would link to the existing Public Rights of Way to the west and south of the site.
- 5.158 Officers however raise concerns that the scheme is dominated by dwellings and is relatively remote from many of the key services and facilities found in Witney and Ducklington such as primary and secondary schools, doctor surgeries, key leisure facilities and town centre shops/cafés/restaurants etc. Walking and cycling to these services is likely to be unattractive for most residents of this site, particularly for school

children when factoring in distances and the quality of the routes available. This is exacerbated further by the A40, which severs the site from Witney and creates a significant barrier, affecting integration and opportunities for safe and attractive active travel into Witney.

- 5.159 Whilst some facilities such as Lidl, Travelodge and the petrol station site are within close proximity to the development site, these are peripheral out-of-town services which are usually accessed by car and do not constitute a good range of services and facilities which one might typically expect to be within walking or cycling distance of a residential development.
- 5.160 Officers note the new pedestrian access proposed from the south of the site to the southern section of Ducklington, alongside Curbridge Road. However, this route is quite lengthy at approximately 0.6km between (proposed) and existing built form and a further 0.6km to Ducklington C of E School. This would be a 1.2km walk (2.4km round trip) for a total of 30 minutes. Officers are aware that the Local Plan does not contain suggested acceptable/sustainable walking distances in relation to new development and access to goods/services. However, 20 minute neighbourhoods' have been gaining momentum for several years.
- 5.161 The Town and Country Planning Association (TCPA) defines 20 minute neighbourhoods as 'The 20-minute neighbourhood is about creating attractive, interesting, safe, walkable environments in which people of all ages and levels of fitness are happy to travel actively for short distances from home to the destinations that they visit and the services they need to use day to day - shopping, school, community and healthcare facilities, places of work, green spaces, and more'.
- 5.162 Research (see TCPA publication '20-Minute Neighbourhoods Creating Healthier, Active, Prosperous Communities An Introduction for Council Planners in England') shows 20 minutes is the maximum time that people there are willing to walk to meet their daily needs. A 20-minute journey represents an 800 metre walk from home to a destination, and back again (10 minutes each way). As explained above, a walk to Ducklington C of E School is 2.4km round trip) for a total of 30 minutes at its nearest point. As such, the further one travels from within the development to the school, the further the distance becomes. Ducklington Village Hall and The Bell Inn, and access to shopping, secondary school, healthcare facilities and places of work in Witney are yet further still. The proposed development is solely for housing, with some employment (B2/B8) and as such does not provide the infrastructure or services required to serve the development. Occupiers are required to travel to meet their daily needs, this travel is likely by private vehicle and as such, the proposed development would not meet the definition of a 20 minute neighbourhood. It is an unsustainable form of development.
- 5.163 Additionally, the pedestrian new route is through open countryside so lighting is likely to be resisted. Thus, having impacts on the use of the route in terms of safety and convenience. The route therefore is likely only to be used during daytime hours. While the final design of the route is a reserved matter, officers consider that the route is

unlikely to be used intensively and reliance on the private vehicles is the more likely outcome, particularly during darker months. Indeed, OCC have previously raised concerns with the pedestrian and cycle permeability of the site for residents wishing to access local facilities in Witney and Ducklington.

## **Health and Wellbeing**

- 5.164 The NPPF defines green infrastructure as 'a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.'
- 5.165 Local Plan Policy EH4 states 'new development should.....avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment, such as access to waterways, unless it can be demonstrated that replacement provision can be provided which will improve the green infrastructure network in terms of its quantity, quality, accessibility and management arrangements
- provide opportunities for walking and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes
  - maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees.'
- 5.166 Paragraph 92 (c) of the NPPF states 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which.....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure.'
- 5.167 As explained in the odour section, public open space, allotments, informal kick about area, and MUGA are proposed. Considering the size of the proposed development, it is likely that future occupiers would rely on these features (as well as the village green and play areas) for their physical and mental health and wellbeing for dog walking, walking, enjoying nature, children's play, education and exercise. However, these are significantly affected by the odour from the STW/abattoir and this odour impact is likely to affect their use.
- 5.168 The poor quality odour affected public spaces weigh against the scheme. However, where the LEAPs/LAPs and public open spaces are not affected by odour, this weighs in favour of the scheme.

## **Sustainability**

- 5.169 A sustainability assessment has been provided to the applicant and a response received. The application is for outline consent and sustainability standards can be dealt at the reserved matters stage.

## **S106 matters**

- 5.170 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.
- 5.171 Policy H3 requires that 40% of the homes are provided as affordable housing. The Applicant proposes 40% Affordable Delivery on Site.
- 5.172 Thames Valley Police have calculated that the cost of policing new growth in the area equates to £48,236.
- 5.173 The Leisure Team in respect of Sport and Recreation provision requires £275,000 on-site contribution towards ancillary facilities and £1,790 x 385 = £689,150 off-site contribution towards sport and leisure facilities within the catchment. However, the applicant considers the on-site request to be disproportionate following the latest amendments to the plans which resulted in the pitch being amended to an informal kick-about area. This matter could be dealt with during the S106 stage, should that be applicable.
- 5.174 Oxfordshire Clinical Commissioning Group's (OCCG) is requesting £332,640 to mitigate the impact of the development.
- 5.175 OCC Education has requested contributions of £4,727,710 broken down as follows:  
Early Years contribution £55,926  
Primary education £2,152,092  
Secondary education £2,313,288  
Special schools £206,404
- 5.176 However, informal correspondence has been received between OCC and the applicant (sent by the agent) that the education contribution has been negotiated down from £4,727,710 to £2,155,804 . This has not been formally submitted by OCC to the LPA yet. However, this matter could be dealt with during the S106 stage, should that be applicable.
- 5.177 OCC seeks Household Waste Recycling Centre Contribution of £36,175
- 5.178 OCC Highways seek a total of £1,586,720 broken down as follows:  
Highway works £859,705  
Public transport services £621,101  
Public transport infrastructure £9,356  
Travel Plan Monitoring £1,558  
Public Rights of Way £95,000

- 5.179 OCC require the Applicant to enter into a S278 agreement and a S38 agreement to mitigate the impact of the development.
- 5.180 A legal agreement will be required to secure the provision and management of public open space, green infrastructure, MUGA, allotments, informal kick about area, and LEAPs/LAPs.
- 5.181 The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; custom/self-build housing; or contributions to policing; sport and leisure; primary care (NHS); education; waste; or highways impacts.. The proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies H3, H5, EH3, EH4, EH5, T1, T2, T3 and OS5.

## **Conclusion and Planning Balance**

- 5.182 Taking the benefits of the proposal first. The proposed development would add up to 385 dwellings to West Oxfordshire Council housing stock. In light of the lack of a 5YHLS and the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF). This attracts significant positive weight.
- 5.183 Of the up to 385 dwellings, 40% (up to 154 homes) would be affordable homes. Owing to the scale and location of development, the Council's Strategic Housing and Development Officer considered the need for these homes in both Witney and Ducklington and commented that 1754 applicants were registered on the Council's Homeseeker+ system to rent a home in Ducklington and Witney. A contribution of up to 154 affordable homes would meet 9% of this identified need. This attracts significant positive weight.
- 5.184 The Planning Statement is silent on self-build plots (this could be secured by condition/obligation). However, the Planning Statement explains that the proposed development will provide all dwellings as M4(2) compliant and 5% of homes as M4(3) thereby exceeding policy requirements for accessible homes. This attracts moderate positive weight.
- 5.185 The illustrative masterplan shows retained tree belt planting, sustainable drainage system (SuDs), hedgerow planting, semi natural green space, allotments, a village green, green corridors, a MUGA, edible landscapes, orchard and meadow planting, local equipped area for play (LEAP), Local Area for Play (LAP) and an informal kick about area. In addition, the proposal would create new public open space, and pedestrian/cycle routes. While some of these features would be secured at reserved matters stage. Their inclusion in the illustrative masterplan shows the direction of travel. Taken in isolation, these features attract moderate positive weight. However, as explained in this report. The MUGA, informal kick about area, allotments, the bulk of the open space, and some walking/cycling routes would be within an area significantly affected by the odour from the operation of the sewage treatment works and abattoir. The quality of these features

are thus reduced commensurate with the proximity to the STW/abattoir and this reduces the positive weight afforded to these elements of the scheme.

- 5.186 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts significant weight.
- 5.187 The provision of up to 1.22ha of employment land (use classes B2/B8) would result in job opportunities and the associated economic benefits. This results in moderate positive weight. However, the proximity of this employment land to the odours created by the operation of the sewage treatment works and abattoir reduces scope for the nature of the employers able to operate in this area and thus the positive weight afforded to this element of the scheme is reduced.
- 5.188 In BNG terms, 14.90% in habitat units and 11.26% hedgerow units on-site would be achieved. Officers acknowledge that this is above the minimum requirements and this attracts moderate weight.
- 5.189 OCC Highways raise no objection and thus, highways impacts are acceptable.
- 5.190 While required to mitigate the impact of the development. The applicant has confirmed that they are willing to meet the financial contributions to local services/infrastructure through a Section 106 agreement (except where noted in this report for on site leisure and education). This attracts limited positive weight as it mitigates the impact.
- 5.191 The proposed development would not harm the settings of Ducklington Conservation Area or nearby listed/local listed buildings. This is a neutral impact.
- 5.192 Moving to the harms. The development has an unknown impact to archaeology. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed scheme would affect this significance. As explained above, it is not possible to secure these investigations via pre-commencement conditions and the application is therefore contrary to Local Plan Policies EH9, EH15, EH16 and OS4, and the NPPF.
- 5.193 Odour is a significant concern. Officers have found harm to the living conditions of future occupiers of the dwellings, that the quantum of development would be affected, that conditions are not appropriate, that the public open space, allotments, informal kick about area, and MUGA would be affected, leading to less public use, and that the quality of the development as whole is unacceptable. The proposed development therefore conflicts with policies OS2, OS4, and EH8 and paragraphs 92, 130, 174 and 185 of the NPPF in that regard. This impact attracts very significant negative weight against the scheme.
- 5.194 The applicant has not entered into a legal agreement or agreements to secure the provision and management of public open space, green infrastructure, MUGA,

allotments, informal kick about area, and LEAPs/LAPs; affordable housing; custom/self-build housing; or contributions to policing; sport and leisure; primary care (NHS); education; waste; or highways impacts. The proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies H3, H5, EH3, EH4, EH5, T1, T2, T3 and OS5.

- 5.195 With regard to the rest of the harms. For landscape, policies OS2, OS4 and EH2 seek protection of the landscape and character of the area, to which the proposal would conflict as it would lead to harm. Paragraph 126 of the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires developments to be visually attractive; reference is made to layout and appropriate and effective landscaping. It also seeks a strong sense of place. Paragraph 174 requires decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The proposal would be harmful, and as such would conflict with most of the criteria in the above paragraphs. This attracts moderate to significant weight.
- 5.196 With regard to the general principles in Policy OS2. The proposal does not respect the village character and local distinctiveness; it is not of a proportionate and appropriate scale to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not avoid the coalescence of Witney and Ducklington; and would not protect the local landscape or setting of Ducklington or Witney. This carries significant negative weight.
- 5.197 There is a very significant conflict with the strategic housing policies in the Development Plan for housing in this location. However, officers acknowledge these policies are currently out of date owing to the 5YHLS position.
- 5.198 The scheme has very poor permeability with Witney or Ducklington owing to the isolated nature of the development and the length/quality of the pedestrian and cycle routes proposed for residents wishing to access local facilities in Witney and Ducklington. This attracts moderate to significant negative weight.
- 5.199 The proposed development is solely for housing, with some employment (B2/B8) and does not provide the infrastructure or services required to serve the development. Occupiers are required to travel to meet their daily needs, this travel is likely by private vehicle and as such, the proposed development would not meet the definition of a 20 minute neighbourhood. It is an unsustainable form of development and this attracts very significant negative weight.
- 5.200 Impacts to health and wellbeing is also a significant concern owing to the poor quality public open space, allotments, informal kick about area, and MUGA being affected by odour. As explained, this carries very significant negative weight. However, officers acknowledge some of the proposed play areas/village green may not be affected by odour.

- 5.201 The position of TWA is a material consideration, as the current inability to service the development would likely affect the deliverability of the scheme. Which in turn, affects how long it would take to build out the homes, thus stymieing the possibility of these homes actually meeting the identified shortfall in WODC housing supply. This reduces the weight that can be afforded to be the benefits of the scheme in relation to affordable housing, economic benefits, and the overall quantum of development.
- 5.202 Turning to the planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and as such, planning permission should be refused.
- 5.203 The application is therefore recommended for refusal.

## **6 CONDITIONS/REASONS FOR REFUSAL**

- 1 The proposed development is not limited development which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale to its context. It would not form a logical complement to the existing scale and pattern of development or the character of the area. It would not avoid the coalescence of Witney and Ducklington. It would not protect the local landscape or setting of Ducklington or Witney. It would cause harm to the landscape. It does not create a high quality and beautiful place. It has very poor permeability with Witney and Ducklington owing to the isolated nature of the development. It has poor access to services and facilities and future occupiers are likely to travel by private vehicle to meet their daily needs. There is an unacceptable impact to health and wellbeing owing to the poor quality public open space, allotments, informal kick about area, and MUGA being affected by odour. There are significant amenity concerns for the occupiers of the new dwellings and users of the public spaces due to the odour impacts. There is significant conflict with the housing locational policies in the Local Plan and the scheme as a whole fails to demonstrate a high quality design and development that would be sustainable and that would provide an integrated community that would form a positive addition to Witney/Ducklington. While the development would provide economic benefits, would add up to 385 homes to West Oxfordshire Housing stock, would meet some of the affordable housing need in Ducklington/Witney, would create biodiversity net gain, would create up to 1.22ha of employment land and would create public open spaces, allotments, a village green, green corridors, a MUGA, edible landscapes, orchard and meadow planting, LEAP and LAP, and an informal kick about area. As directed by paragraph 11 of the NPPF, the adverse impacts identified would significantly and demonstrably outweigh the benefits. The proposed development is not considered to be sustainable development and conflicts with policies OS2, OS4, H2, T1, T2, T3, EH2, EH4, EH5, and EH8 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework 2021.
- 2 The proposed development, by introducing dwellings and residential gardens in close proximity to Witney Sewage Treatment Works and Mutchmeats abattoir, would result in

unacceptable odour impacts to the occupiers of the dwellings, to the detriment of their living conditions. In addition, the proposed development, by introducing public open space, allotments, an informal kick about area, and MUGA in close proximity to Witney Sewage Treatment Works and Mutchmeats abattoir would result in unacceptable odour impacts for the users of these spaces, resulting in poor quality places, leading to the reduction of their use. The scheme is considered to constitute an unacceptable and inappropriate use of the land. The proposed development therefore conflicts with policies OS2, OS4, and EH8 and paragraphs 92, 130, 174 and 185 of the NPPF.

- 3 The site has a strong possibility of containing remains of archaeological importance. The application is not supported by an archaeological evaluation. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed development would affect this significance. As such, the proposed development conflicts with Local Plan Policies EH9, EH15, EH16 and OS4; and the relevant paragraphs of the NPPF.
- 4 The applicant has not entered into a legal agreement or agreements to secure affordable housing or custom/self build housing; or contributions to policing; play, sport and leisure; primary care (NHS); education; waste; highways impacts and monitoring costs. The proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies H3, H5, EH3, EH4, EH5, T1, T2, T3 and OS5.

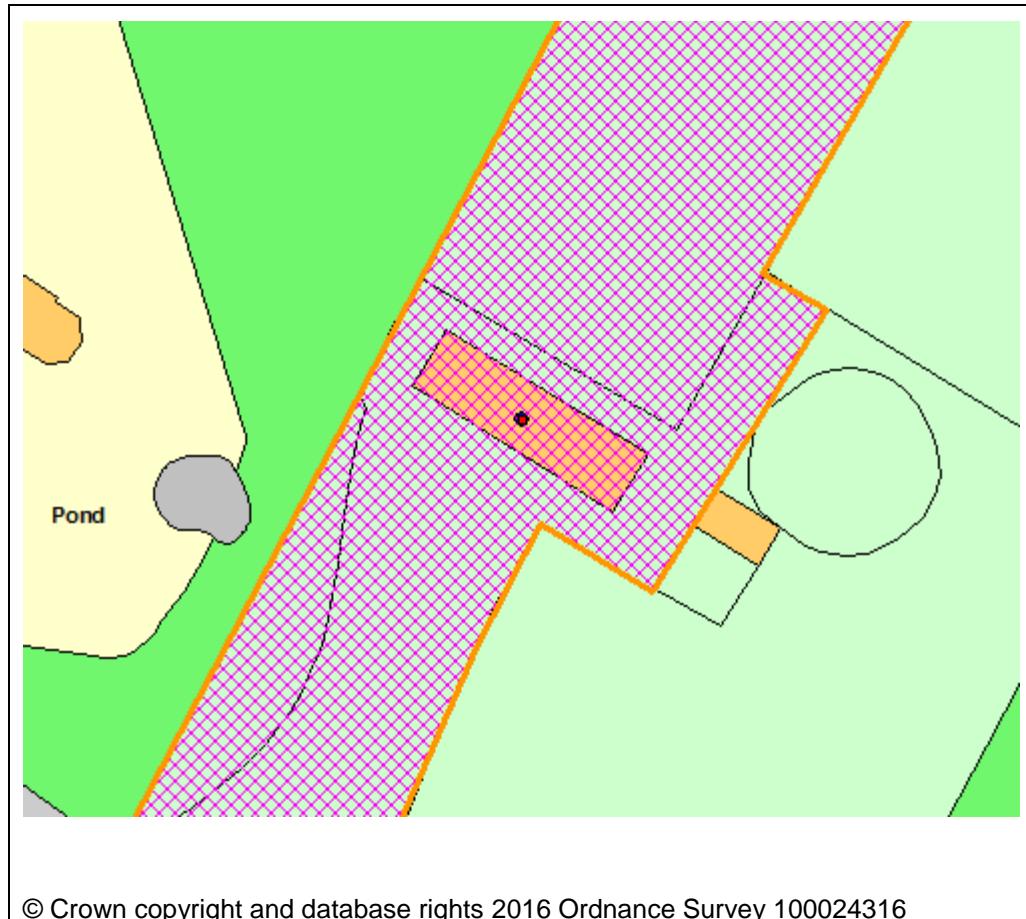
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 16th February 2023

Application Number	22/03327/FUL
Site Address	Singe Wood Stables White Oak Green Hailey Witney Oxfordshire OX29 9XP
Date	16th February 2023
Officer	Elloise Street
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	434720 E 213931 N
Committee Date	27th February 2023

### Location Map



### Application Details:

Conversion of stables into two bedroom living accommodation for letting purposes.

**Applicant Details:**

Mr Jeremy Smith

Priory Cottage

Kelmscott Road

Lechlade

Glos GL7 3HB

**I CONSULTATIONS**

Parish Council

I have been asked by Hailey Parish Council to email you with regards to the above planning application. They do not object to the planning but would like to query the use of recycled red pan tiles and just ask that planning look into this

WODC Drainage Engineers

As no change in building footprint is proposed and photos of the existing stables indicate guttering, the only requirement is, (assuming the downpipes don't just discharge to ground), for the existing pipework and soakaway/s to be surveyed and replaced/renovated as necessary.

OCC Highways

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

Recommendation:

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

WODC Env Health -  
Lowlands

Thank you for the opportunity to consult.

I have no objection in principle.

Kind regards

Karen Awre  
Officer  
Noise & Amenities

District Ecologist

The submitted report has confirmed the existing stables offer negligible potential for roosting bats therefore, this constraint does not need to be considered further.

The planning system should aim to deliver overall biodiversity net gains as laid out in Chapter 15 of the revised NPPF and local plan policy EH3. I am pleased to see the submitted proposed plans have incorporated both bat and bird boxes into the development. These features will aid in connecting the site to the wider ecological network.

The proposed site is surrounded by ancient woodland which is highly likely to support notable and protected species therefore, WODC's precautionary method of working should be adhered to and any external lighting should be sensitively designed to prevent light spill towards this habitat.

## **2 REPRESENTATIONS**

2.1 8 third party objection comments received as summarised below:

Planning application for a house but to be a rental property first

Current agricultural tie on the site

Could cause a precedence within WODC

Lane vernacular

Highway safety

Highways - increase in vehicular movement

Contrary to WODC local plan

Design out of keeping with local area

## **3 APPLICANT'S CASE**

3.1 A planning support statement has been submitted, this document is available on the Council's website. The statements have been summarised and concluded as follows:

3.2 The existing stables are currently vacant and have not been used as a viable business for several years and together with various other outbuildings, which have no purpose, it is considered that converting the stables into a dwelling for holiday let, would benefit tourism in West Oxfordshire.

The two neighbouring properties to the north west of the site appear quite new in this location and therefore the site of Singewood Stables naturally lends itself to create a new dwelling by converting the existing stables.

The change of use would enhance the setting of the area by becoming living accommodation rather than business use, and it would enable the site to be tidied up with additional soft

landscaping planted along the south west and north west boundaries to provide privacy and security.

Given that Bat boxes will be installed on the building this will demonstrate biodiversity net gain. It is also intended to provide green energy to the new structure with the use of solar panels, air source heat pump, triple glazing, energy and water efficient appliances and fittings, water recycling measures.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E3NEW Reuse of non residential buildings

EH7 Flood risk

EH3 Biodiversity and Geodiversity

EH2 Landscape character

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 conversion of stables into two bedroom living accommodation for letting purposes at Singe Wood Stables, White Oak Green, Hailey, Witney

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the officer views are contrary to the views of Hailey Parish Council. Officers received an updated comment from Hailey Parish Council prior the submission to the committee schedule that they would have objected to the scheme due to the restrictive covenant on the site. Officers have considered their comment and due to the ambiguity it was appropriate to still refer the application to the Lowlands Area Sub Planning Committee. In addition, Officers advise that restrictive covenants are not a planning matter and as such have not attracted any weight in the assessment.

5.3 The application site relates to an existing stables which is to be converted into a two bedroom dwellinghouse which is at the end of White Oak Green,

5.4 The site does not fall within any areas of special designated control but is surrounded by the ancient woodland of St Johns Wood.

5.5 Relevant planning history:

- W80/0163 - Erection of bungalow in connection with the business of animal husbandry - Refused
- W95/1556 - Change of use of land to site a caravan to accommodate one gypsy family - Refused
- W96/0205 - Appeal against enforcement, (change of use of land for siting of one residential caravan). - Refused
- W2002/0881 - Formation of manege. - Approved
- 10/0312/P/FP - Erection of dwelling and blacksmiths forge. - Refused

**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, Siting and Visual Impact
- Residential Amenity
- Highways
- Drainage and Flood Risk
- Biodiversity
- Planning Balance

### **Principle**

**5.7** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

**5.8** As per Policy OS2 Locating Development in the Right Places it makes reference to the settlement hierarchy which splits the district in different classifications. Officers have considered that the proposed site is not within any defined settlement and therefore would be classed as being small villages, hamlet and open countryside. This is supported by the adopted Hailey Neighbourhood Plan 2031 which categorises White Oak Green as a Hamlet. The site is located within a small enclave of approximately 10 dwelling (and other associated buildings) and is 0.7km away from Hailey which is classed as a village. Therefore it is important to firstly consider the principle of development making reference to the West Oxfordshire Local Plan and in particular Policies OS2 and H2.

**5.9** Policy OS2 states that "Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2".

5.10 Policy H2 of the adopted Local Plan states that new dwellings will only be permitted in the small villages, hamlets and open countryside in a small number of specific circumstances such as:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;
- new accommodation proposed in accordance with policies specifically for travelling communities;
- accommodation which will remain ancillary to existing dwellings\*;
- replacement dwellings on a one for one basis;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met;

5.11 It is therefore important to consider the above specific circumstances and whether the proposed scheme complies with any of the criteria. No evidence has been provided in which there is an essential operational need for a dwellinghouse in this location.

5.12 Whilst there is a lack of planning history for the stable itself Officers have also considered that the existing stable is not a heritage asset. The stables show on 1970s OS maps but do not show on 1923 OS maps. Officers are therefore satisfied that the existing stables are not significant in this regard and therefore not representing an optimal viable use.

5.13 From considering the design, the proposed is not considered to be of exceptional quality and design but will be fully assessed under the design and siting element.

5.14 Officers also consider that based on the information proposed that the new dwellinghouse does not fall under the criteria for travelling communities, accommodation ancillary to an existing dwellinghouse nor a replacement dwellinghouse.

5.15 The applicant has submitted a design and access statement which states that the existing stables are currently vacant and have not been used as a viable business for several years. It has been considered that there is neutral impact on the immediate setting by the facilitation of the conversion. However through considering the existing use on the land, the only approved use was the 2002 permission for a menage. It is important to draw attention to the condition 3 which was placed which states "that the propose stakes and

riding arena be for the private use of the owners of Singewood Stables solely and for no business or commercial purposes whatsoever". In the absence of a S73 application to vary the condition or any other permissions the condition still stands and as such the justification for the stables not capable for the re-use for business carries very little weight and in this instance does not comply with this element of Policy H2. In addition, no evidence has been supplied to demonstrate that the building is not capable for recreational or community uses and visitor facilities. The proposal has not addressed whether it will address a specific local housing need which would not otherwise be met. Whilst the applicants have stated that this site will be for a "holiday let" Officers do not consider this building to be an appropriate building for re-use as per Policy E3. In addition, it has to be acknowledged that the site is a hamlet on the outskirts of Hailey and provides no walkable services besides one pub and is therefore considered not a sustainable location for tourist accommodation. The report will also consider whether it is a sustainable location for a dwellinghouse. The Hailey Neighbourhood Plan also supports policy H2 which states within Policy H1 Infill "Residential development in the smaller villages and hamlets will be restricted to the circumstances identified in policy H2 of the West Oxfordshire Local Plan." And therefore the principle of development falls within the WODC Local Plan 2031.

5.16 Officers therefore consider at this stage that the proposed scheme does not accord with the strategic housing policies in the Local Plan. For this scheme it is also important to consider Policy E3.

5.17 Local Plan Policy E3 states: Re-use of non-residential buildings which looks at the re-use of both traditional and non-traditional buildings. E3 states "The re-use of non-traditional buildings, including modern farm buildings, for employment, tourism and community uses will be supported within or adjoining Service Centres or Villages, or where it forms part of an agricultural holding and the proposal is part of a farm diversification scheme under Policy E2 or where re-use would address a specific local need which cannot be met in an alternative way. This is provided that the following criteria are met:

- the general character and form of the building(s) are not harmful to the surroundings; and
- the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s) to the host building."

5.18 In this regard, the proposed site as previously mentioned is located at White Oak Green which has been considered within the open countryside. There is an enclave of 10 dwellinghouses plus any additional associated buildings in this location. Officers are confident to say that the existing building is not within or adjoining a service centre or village. Officers also do not consider that the site is an existing agricultural holding nor part of a farm diversification scheme. Whilst the permission seeks to convert for a holiday let, Officers do not consider that it falls under any of the criteria above to warrant the conversion for a holiday let. In addition, Officers believe that the conversion is for a dwellinghouse with a restrictive condition rather than for tourism uses. Whilst it has been stated that it is for the purposes of a holiday let, Officers consider that the building will not provide any services such as meals or servicing and the overarching use will be as a

dwellinghouse. Furthermore, the existing building is a relatively modern stables that are not considered worthy of retention.

5.19 There is question as to whether the proposed scheme is a conversion or whether it is a new dwellinghouse. Policy E3 also states "that it will not result in excessive alterations or extensions to the host building". Having considered the existing and the proposed drawings, it is clear to see that the roof is to be fully replaced and it has been confirmed by the agent that the two side elevation walls are new. The rear elevation is to be retained and repaired as required. The front elevation is to remain as cladded however all stable doors are to be removed and replaced with new windows and doors. In addition, internally all stable partitions are to be removed with new separation walls for the bedrooms. The agent has remained silent on the framework of the stables, but it is likely that remedial works are to take place. Whilst the footprint of the stables is to remain mostly the same, Officers consider that there is a high proportion of replacement work to take place and is considered to be tantamount to a new dwelling rather than a conversion. Therefore the scheme is considered to be contrary to this element of Policy E3.

5.20 Regard must also be had for the National Planning Policy Framework and in particular Paragraph 80 for the principle of this development. Paragraph 80 has a set of criteria which need to be considered for the development. Officers believe that the proposed scheme does not accord with Paragraphs 80 (a), (b), (d), (e). However it has been acknowledged the paragraph 80(c) states "the development would re-use redundant or disused buildings and enhance its immediate setting". Whilst the building could be considered redundant or disused, the established and long standing use of the site is equestrian use and it will therefore need to be considered whether the conversion will enhance the immediate setting. As explained later in this report, the proposal is considered to be neutral to the rural setting.

5.21 Paragraph 85 states "in locations that are not well served by public transport...it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It also states "The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist". Whilst the site is on previously developed land, Officers do not consider that the proposed scheme is well-related to existing settlements. It has also been considered that there is no opportunity exploited to improve the scope for public transport provision. The site will rely very heavily on the private car.

5.22 The proposal therefore conflicts with the strategic and specific policies in the Local Plan and the NPPF that would offer support for a new dwelling in the proposed location. Officers do not consider that the proposal would meet the criteria set out above and is therefore contrary to Policies H2 and OS2, E2 of the adopted West Oxfordshire Local Plan 2031 and Paragraphs 80 and 85 of the NPPF.

5.23 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF (Paragraph 11d) goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.24 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged)

5.25 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.

5.26 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

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

5.27 Proposed is the conversion of stables into two bedroom living accommodation for letting purposes. The stables are to retain the same floor space however the two side elevations and the roof is to be removed and replaced. The roofline is to be raised by approximately 40cm and will be covered with reclaimed red pan tiles. The existing stable building is split into 6 stables and a rest room. The conversion is to remove all 6 stables and insert new walls to facilitate 2 new bedrooms, 2 ensuites and an open plan kitchen sitting area. All stable doors and windows are to be removed and no elements of the existing front elevation are to appear the same. The front elevation will then have one entrance door, one floor to ceiling window and then two windows and then 3 sets of sliding doors providing light and openness to the sitting area/kitchen. There will also be solar panels to the front elevation roof slope. The two side elevations are to have 1 small slim window with bat boxes on each side. The south-eastern elevation is also to have an air-source heat pump. The rear (north-eastern) elevation is to have 4 slim windows.

5.28 The proposed materials to be used are horizontal timber boarding to the rear and the front elevation of the stables and natural stone walls to the two side elevations. The

felted roof is to be replaced to have reclaimed red pan tiles. All timber windows and stable doors are to be replaced with timber framed double glazed windows and doors.

5.29 Policies OS2 and OS4 are relevant to be considered for the proposed application. Policy OS2 focusses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Similarly Policy OS4 High Quality Design 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 surroundings. This also links with Section 12 Paragraph 130 b which states policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.30 Officers consider that whilst the general form and scale of the building is considered to be acceptable. There are concerns that the stable conversion is to appear overly domesticated. As detailed previously within the report, the two side elevations and roof are to be removed and replaced with the roofline being slightly raised. However the concern lies with the front elevation, all elements of the appearance of the stables with the stable doors are to be replaced with heavily glazed elements. The current setting of the site is of an equestrian use and has been for many years, Officers consider that the conversion of the stables will have a domesticating impact on the setting of the open countryside and the ancient woodland of St Johns. It will extend the development line further into the woodland and the open countryside and have a negative impact on the character and appearance. Officers acknowledge that whilst the access is not an adopted road and is not on the main public frontage and highway, it is still a public right of way and therefore will be visible on the streetscene. The proposed building is also to be constructed from unsympathetic materials as the majority of dwellinghouses along this road are constructed from natural materials such as Cotswold Stone. Whilst the two side gables will be natural stone, the front elevation will have horizontal cladding and ultimately be an incongruous addition to the local street scene. The scale, siting and design of the proposed conversion is considered to be contrary to Policies OS2 and OS4 of the West Oxfordshire Local Plan.

### **Residential amenity**

5.31 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.32 Given the nature of the conversion of the stables into two bedroom living accommodation for letting purposes, Officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. There is sufficient separation distance between the stables and the neighbouring property to the east. In addition, the windows are sympathetically placed in which they would not give rise to overlooking or

loss of privacy. Officers therefore consider that the proposal is acceptable in regard to residential amenity.

## **Highways**

- 5.33 OCC Highways have been consulted on the application have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.
- 5.34 There have been some objection comments received due to the existing access out of White Oak Green and their concerns with highway safety in this regard. Officers have consulted with Highways Officers in which as per their comment above have no objection in regard to highway safety. Highways Officers have had regard for the current existing use which is a menage and have considered that there isn't going to be a detrimental increase in vehicular movement when changing the use from a menage to a dwellinghouse.
- 5.35 Officers have also had regard with the highway and sustainable travel provision in the locality. Whilst there are no formal objections with regards to access to White Oak Green and in particular Singe Wood Stables. There are concerns that there are no suitable walking routes to the nearest shops and services which would result in total reliance on the private car. This is supported within the Hailey Neighbourhood plan which within the plan states "There are no tarmacked footpaths linking Poffley End, Delly End, Whiteoak Green and New Yatt to the built-up area of Hailey itself." In addition there is only one bus stop at the Bird In Hand which serves the stop once an hour but is located on the B4022 which has a speed limit of 50mph. Again, with no frequent service, this will push the use and reliance on the private car.

## **Drainage and Flood Risk**

- 5.36 The WODC Drainage Officer has been consulted on this application and has raised no objections to the scheme. There have been no recommendations for any conditions as the footprint of the scheme is to remain the same. The only requirement and request that has been made is for the existing pipework and soakaways to be surveyed and replaced/renovated as necessary.

## **Biodiversity**

- 5.37 The WODC Biodiversity Officer has been consulted on this application due to the surrounding historic woodland. A protected species survey report was submitted as part of the application in which it confirmed that the existing stables offer negligible potential for roosting bats. A condition for external lighting has been recommended due to the close proximity to the ancient woodland which is highly likely to support notable and protected species. Therefore the light spill from external lights needs to be minimised to ensure reduced harm to the habitats.

## **Planning Balance**

- 5.38 NPPF footnote 8 directs that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged and there is a presumption in favour of sustainable development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.39 In terms of public benefits, the proposed development would add a dwelling to West Oxfordshire Council housing stock, however it will only be a single dwelling and therefore attracts limited weight. Some economic benefits will arise from the construction of the development however given the scale of the development this will be limited and attracts limited weight.
- 5.40 When assessing the harm of the proposed development, officers consider that the development would have a negative impact on open countryside. The stables are a relatively modern building which are not worthy of retention, in addition the conversion is not part of a farm diversification scheme and that the tourism use doesn't hold any weight for this application. The conversion is to facilitate a dwellinghouse with a limited occupancy condition and will not be offering any services or benefits to any occupants. In addition, as identified the conversion will appear as an incongruous addition to the open countryside and cause harm to the character and appearance of the area. The stables are located in an area in which there will be heavy reliance on the private car, there are no walkable services apart from one pub, all other services such as shops, schools and medical services will require a car and is not constituted as sustainable. Officers consider the harm identified, to be significant and therefore the adverse impacts of this development, would significantly and demonstrably outweigh the limited benefits identified, when assessed against the policies in this Framework taken as a whole
- 5.41 Officers have had regard to the development plan as a whole and the policies which weigh both in favour of the development and against it. Officers have also had regard to all material considerations, including a lack of 5-year housing land supply and policies in Framework. The adverse impacts of this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is therefore the case that the proposal conflicts with NPPF paragraph 11d and planning permission should be refused.
- ## Conclusion
- 5.42 The development proposes the conversion of a modern stable building into a dwellinghouse for tourism letting purposes. The building is a non-traditional building that is not considered worthy of retention and would not represent sustainable development or tourism, given its open countryside location. The development has not been demonstrated to secure the diversification of a farm enterprise nor has it been demonstrated to be re-used for a specific local need. The development does not

represent sustainable development for a new dwellinghouse and does not fall under any of the criteria for development for Policy H2. As directed by paragraph 11 of the NPPF, the adverse impacts identified would significantly and demonstrably outweigh the benefits. The proposal is therefore contrary to Policies OS2, H2, and E3 of the adopted West Oxfordshire Local Plan 2031 and paragraphs 80 and 85 of the NPPF.

5.43 By reason of its form and design, the proposed development will appear as an incongruous addition to the detriment of the visual amenity of the street scene and the character and appearance of the area. The proposal is considered contrary to policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide

## **6 CONDITIONS/REASONS FOR REFUSAL**

- 1 The development proposes the conversion of a modern stable building into a dwellinghouse for tourism letting purposes. The building is a non-traditional building that is not considered worthy of retention and would not represent sustainable development or tourism, given its open countryside location. The development has not been demonstrated to secure the diversification of a farm enterprise nor has it been demonstrated to be re-used for a specific local need. The development does not represent sustainable development for a new dwellinghouse and does not fall under any of the criteria for development for Policy H2. As directed by paragraph 11 of the NPPF, the adverse impacts identified would significantly and demonstrably outweigh the benefits. The proposal is therefore contrary to Policies OS2, H2, and E3 of the adopted West Oxfordshire Local Plan 2031 and paragraphs 80 and 85 of the NPPF.
- 2 By reason of its form and design, the proposed development will appear as an incongruous addition to the detriment of the visual amenity of the street scene and the character and appearance of the area. The proposal is considered contrary to policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide

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**Date:** 16th February 2023