

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**6 November 2023**

### REPORT OF THE BUSINESS MANAGER – DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

***List of Background Papers***

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

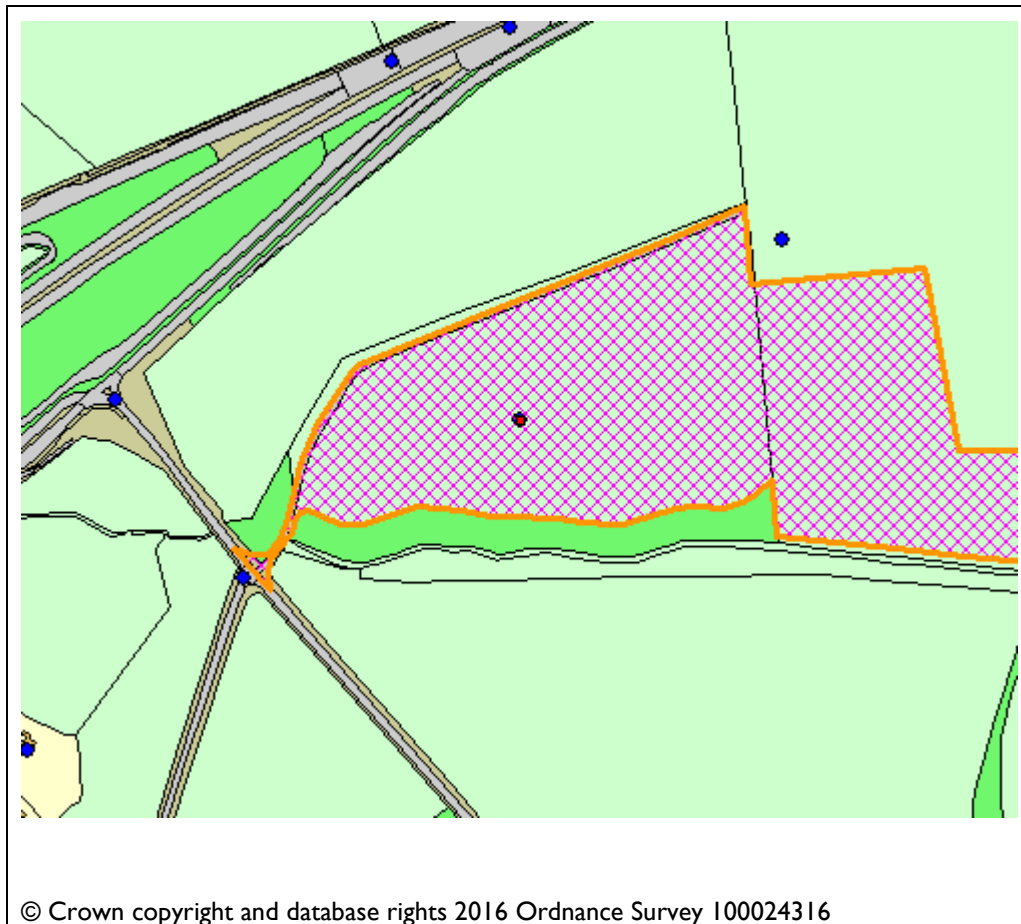
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
Pg. 11–59	23/00179/FUL	Land South East of B4022 Oxford Road.	David Ditchett
Pg. 60–69	23/02217/FUL	19 Arlington Close, Carterton.	Esther Hill
Pg. 70–80	23/02420/FUL	Carterton Leisure Centre, Broadshires Way.	Peter Morgan

Application Number	23/00179/FUL
Site Address	Land South East of B4022 Oxford Road Witney Oxfordshire
Date	26 October 2023
Officer	David Ditchett
Officer Recommendations	Refuse
Parish	South Leigh Parish Council
Grid Reference	438045 E 209571 N
Committee Date	6 November 2023

### Location Map



### Application Details:

The construction and operation of an anaerobic digestion facility, ancillary infrastructure and the construction of a new access road and access from South Leigh Road.

**Applicant Details:**

Mr Charlie Lywood  
First Floor  
5 Fleet Place  
London  
EC4M 7RD

**I CONSULTATIONS**

Major Planning Applications Team 21/04/2023

Highways:

Objection for the following reasons:

- The A40/B4022 junction improvements will need to be operational before the impact of the development will be acceptable;
- Further clarification and information is required regarding trip generation and distribution.

Lead Local Flood Authority:

Objection for the following reasons:

- No drainage strategy drawing or report provided to illustrate how the proposed development will follow SuDS guidelines of discharging surface water;
- No flood risk assessment provided.

Archaeology:

The proposal site is within an area of archaeological interest, as outlined within the submitted archaeological desk-based assessment and geophysical survey report. The results of this assessment and survey will need to be explored in the ground through a staged programme of archaeological investigation.

Env Health - Lowlands

09/03/2023

Noise and Amenities

Having reviewed the noise report provided by SLR (Reference No: 404.11923.00002) I can find no reason to disagree with its conclusion and therefore raise no objection on grounds of noise.

I would however ask that if permission is granted a condition ensuring the noise mitigation mentioned in the noise report, is installed.

1. All mitigation included in the noise emissions predictions, including proprietary plant equipment attenuation and integral CHP stack silencers be installed and maintained in good working condition.

REASON: To protect the amenity of the neighbourhood.

21/04/2023

Air Quality

If the above application is approved, I would recommend the following conditions:

1. Prior to the operation of the approved development, an odour management plan (OMP) shall be submitted to the local planning authority for written approval. The plan shall include but not limited to: all activities and sources which may generate odours; mitigation measures to be employed to control such odours; additional measures to be put in place during adverse conditions or breakdown of the plant; and, details of the complaints procedure. Operation of the facility shall only commence once the OMP is in place, and all personnel have been fully trained to implement the OMP effectively.

REASON: To prevent the release of unacceptable odours, protecting the amenity of nearby residents.

2. Prior to the operation of the approved development, a dust management plan (DMP) shall be submitted to the local planning authority for written approval. The plan shall include but not limited to: all activities and sources which may generate dust; mitigation measures to be employed to control dust; additional measures to be put in place during adverse conditions; and, details of the complaints procedure. Operation of the facility shall only commence once the DMP is in place, and all personnel have been fully trained to implement the DMP effectively.

REASON: To prevent the release of unacceptable dust, protecting the amenity of nearby residents.

ERS Contamination

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

Based on the information provided by the applicant please consider adding the following condition to any grant of permission as a precaution.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the

Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

Climate

08/03/2023

I have reviewed application 23/00179/FUL Land South East Of B4022 Oxford Road, Witney.

#### Energy

- It is important that we have efficient renewables and multifunctional land. AD, as a form of energy generation, is less efficient than grid-scale PV;
- One of the CHPs would be fuelled by natural gas. The development should be fossil fuel free;
- The development should achieve a net zero balance and deliver 100% of energy consumption using renewables;
- Lifecycle modelling should be undertaken to minimise embodied carbon.

#### Travel

- The scheme would have transport emissions, which should be minimised with the use of non-diesel fuelled vehicles, and carbon offset.

#### Water

- The proposed AD facility would capture rainwater, which is expected to be sufficient for up to 100% of the process water demand. A target should be set;
- A climate allowance of 20% is included in the FRA, and this should be 40%;
- Sustainable drainage is proposed and should be assessed by the LLFA.

### Waste

- Use of the biproduct (organic fertiliser) would replace raw manures and artificial fertiliser on local farms and therefore is not considered to be waste.

### Biodiversity

- In essence, we have concerns with the use of feedstock, particularly silage, as these crops do not provide biodiverse habitats and can damage soil quality. The environmental impact would likely be less if food or agricultural waste is used, rather than growing crops specifically for biofuel;
- The scheme's compliance with the biodiversity standards should be assessed by our ecologist.

Environment Agency

17/05/2023

Thank you for consulting us on the above. We have no objection, but the following should be noted.

### Environmental Permitting

The proposed anaerobic digestion plant will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the development can meet our requirements to prevent, minimise and/or control pollution in order to be granted an environmental permit.

The following issues will be considered as part of the permitting process:

- Whether the proposed development is located within Source Protection Zone 2 and assess any potential risk to groundwater;
- Whether the proposed development is located within 250m of receptors that are sensitive to nuisance odours and assess whether odours can be adequately managed through the use of a closed system and/or appropriate ventilation;
- Whether the proposed facility is located close to receptors (workplaces or homes) of a conservation site and consider whether emissions of sulphur dioxide can be controlled to acceptable levels through appropriate mitigation measures;
- Whether the proposed facility will store and treat liquid wastes within 10m of a watercourse and consider

whether surface run-off can be satisfactorily managed to avoid contamination of the watercourse.

In order to assess the risks identified above, as part of the permitting process we will require:

- Hydrogeological risk assessment;
- Dispersion modelling of emissions and impacts.

To reduce the risks to people and the environment and obtain a permit:

- The design and/or layout of the buildings may need to change in order to accommodate closed systems to store and treat waste material for the control of odour;
- The design and/or layout of the buildings may need to change in order to accommodate an appropriate location and height for the major emission point(s);
- The design and/or layout of the buildings may need to change in order to accommodate appropriate infrastructure to control surface run-off;
- The design may need to include abatement technology to reduce the impact of the development beyond Best Available Techniques (BAT).

We recommend that the developer considers parallel tracking the planning and permit applications, and would welcome joint discussions with the applicant and planning authority. Parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. This may avoid the need for post permission amendments to the planning application.

WODC Landscape and No Comment Received.  
Forestry Officer

District Ecologist 03/04/2023

Further information is needed to assess the potential biodiversity implications:

#### Biodiversity Net Gain

The applicant has submitted a biodiversity net gain report which states a net gain can be achieved in habitat and hedgerow units. To enable the LPA to review, a full copy of the spreadsheet, detailing the biodiversity metric used needs to be submitted. The information contained in the spreadsheet should be directly related to the BNG report submitted.



### Protected Species

The submitted report makes reference to outstanding ground-nesting bird surveys. These surveys will need to be submitted to the LPA prior to any permission granted.

Natural England

22/03/2023

### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Ducklington Mead Site of Special Scientific Interest (SSSI) and Oxford Meadows Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- An assessment of air quality impacts on Ducklington Mead Site of Special Scientific Interest (SSSI);
- An in-combination air quality assessment of the potential impacts of the development on Oxford Meadows Special Area of Conservation (SAC).

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

WODC Planning Policy 21/04/2023  
Manager

The application proposal represents a significant scale of development in a sensitive rural location.

Whilst the Minerals and Waste Core Strategy (2017) lends support to the principle of recovering energy from waste, processing waste close to source, enabling local employment and making adequate provision for the management of agricultural wastes, it also emphasises that in siting new facilities, priority should be given to land already in waste management or industrial use, previously developed, derelict or underused land, active mineral working or landfill sites, waste water treatment works or sites which involve existing agricultural buildings and their curtilages.

Whilst undeveloped greenfield sites may be acceptable this is only where they can be shown to be the most suitable and sustainable option.

The Core Strategy gives specific support to proposals for the treatment of agricultural waste with such schemes normally considered acceptable within a unit of agricultural production.

However, what is proposed in this case is much more than a small-scale on-site waste management facility designed to process waste arising from the site itself and instead is a large, commercial enterprise that will process around 10% of the total 900,000 tonnes of agricultural waste produced across Oxfordshire per annum.

On balance, whilst the site benefits from good road access to the A40, I have concerns that the scale of operation is too significant for an undeveloped, greenfield site in this sensitive rural location - particularly due to the likely landscape and visual impact, artificial lighting in the context of dark skies and the amount of additional vehicular trips arising from the processing of the feedstock and the transportation of fertiliser, soil conditioner and carbon dioxide by-products.

Thames Water

02/03/2023

#### Waste Comments

This response is based on the proposal that foul water will discharge to a septic tank. If the proposal changes Thames Water will need to be reconsulted.

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

## Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

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

Wychwood Project                      No Comment Received.

Southern Gas Networks PLC      No Comment Received.

Parish Council                              27/03/2023  
South Leigh and High Cogges Parish Council

The construction and operation of an anaerobic digestion facility, ancillary infrastructure and the construction of a new access road and access from South Leigh Road.

South Leigh and High Cogges Parish Council ("the Parish Council") objects to the application.

1. In summary the planning application for the Anaerobic digester should be refused because of its size, height, bulk and siting together with its associated traffic and the effect on the living conditions of those near to it by reason of noise and smell and other consequences detailed below;
2. Further WODC should not only consider the general suitability of the location but the cumulative detrimental effects and impacts that could arise by way of noise, traffic, vibration, smell and damage to the environment.
3. In its construction and operation thereafter there would be substantial combination of intrusive elements and a detrimental effect on the character of the area that is incompatible with its setting and proximity to habitation and it would adversely affect the amenities of

the community and significantly increase traffic on the rural roads in the Parish.

4. Its construction and operation will neither conserve nor enhance the character of the natural environment and any alleged benefits would be significantly outweighed by the detriments.
5. As the West Oxfordshire Local Plan says - OS2 "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." This development is not appropriate, does not respect the intrinsic character of the area, does not fall within any of the 4 categories regarded as appropriate and is contrary to a large number of the general principles.
6. It would be a breach of South Leigh Neighbourhood Plan eg policies SLE1, SLE5, SLE7 and SLD6 , West Oxfordshire Local Plan eg (CO1 & 2, CO14, OS2 and EH2) and the National Planning Policy Framework - eg Paragraphs 174 and 185-factual particulars of which will be given below.
7. By analogy, in relation to applications relating to Shuttles Cottage, Chapel Road, South Leigh 20/00362/PREAPP, 20/00937/HHD W96/0129 - a sort distance from the applicant site, WODC said, inter alia:-

1) There would be strong resistance to any application within the garden which will have "an urbanising effect on the rural community."

2) "Additional built form on the site as proposed would have an urbanising impact on the site, and the locality as a whole which is contrary to Local Plan and Neighbourhood Plan Policies and therefore unsupportable at this time."

3) "The proposed games room and ancillary accommodation by reason of its siting, design, massing and scale is not considered to preserve or enhance the intrinsic historic character of the landscape, the setting of the heritage asset or the area of special interest associated with the site. The proposal is therefore considered contrary to Policies OS2, OS4, EH9, EH11, EH12, EH13 and EH16 of the adopted Local Plan 2031, Policies SLE 1, SLE6 and SLD2 of the adopted Neighbourhood Plan, relevant sections from the NPPF and West Oxfordshire Design Guide 2016"

and the Inspector saying at AAP/D3125/D/20/3253788

4) "I therefore find that when proposal is considered as a whole, it would not accord with the design, conservation, landscape character and countryside protection requirements of paragraph 170b and Chapter 16 of the National Planning Policy Framework; policies OS2, OS4, EH2, EH9, EH12, EH13 and EH16 of the adopted 2018 West Oxfordshire Local Plan 2031 (LP); the West Oxfordshire Design Guide 2016 and policies SLE1, SLE6 and SLD2 of the NP."

8. The Parish Council say that those arguments were applied in relation to 2 ancillary buildings to a residential house and must apply a fortiori to this application.

9. Further the Parish Council are concerned that it should not be even considered before decisions are made on (1) the Parish's pending conservation area status (2) Shores Green junction (3) the line of the light railway, (4) proposed or potential mobile signal masts and (5) the new local plan which it is to be hoped will have a policy on both ADs and solar farms and which will be published in September 2023 (before submission of it to the inspector).

10. The decisions and conclusions in relation to these matters are of considerable significance to this application.

11. It should also be said that the Parish Council questions the green credentials and WODC are urged to consider the application through a developed policy on AD digesters. The Parish Council would refer WODC to the Green Credentials Assessment lodged with Stratford upon Avon District Council by Tysoe Parish Council in relation to a proposed Acorn AD within its parish. The document is attached.

12. Finally the Parish Council is concerned with what happens to the site at the conclusion of the AD's operation.

13. Headline Statistics and details taken from the applicant's documents, with context

i. Site Size 6.99 hectares - 17.27 acres

Football pitch 1.5 acres - therefore site equivalent to 11.5 football pitches

ii. 5 Fermenter tanks each 17.05 metres high or 55 feet high - a route master bus is 14 feet high so nearly 4 buses high - they are concrete tanks with insulated profile cladding

iii. Clamp Sizes - see measurements in plan attached to preliminary land quality risk assessment report - after Appendix I in that report

First clamp-internal measurements (excluding wall breadths), 61 metres by 30 metres with wall heights of 11.9 metres

Second Clamp (called Clamp 3) 73.75 metres by 42.5 metres with wall heights of 17 metres,

Third Clamp (called Clamp 4) 73.75 metres by 42.5 metres with wall heights of 17 metres

iv. Site only 230/250 metres from the nearest house with 9 human receptors as being potential high sensitivity to both odour and dust - Table 4-1 and the meteorological conditions leading to the conclusions within that report, such as wind speed, being hardly very specific - Section 4-5 being based on Brize Norton. Nevertheless the report accepts there will be "large dust emission" during the construction of the site - Tables 5-1 and despite the nearest human receptor being a potential high sensitivity the potential impact is claimed to be low - we reject that.

v. Site adjacent to a stream

vi. The covered lagoons cover 1.447.5 + 3.622.50 square metres

vii. 93,000 tonnes of feedstock per annum being processed including poultry litter and farmyard manures

viii. 12,958 HGV/Tractor trips per year to service the AD's needs coming on to South Leigh Road

ix. 198 HGV/Tractor trips per day during harvest period

x. Working hours of site 7am to 7pm - Monday to Sunday but hours extended as necessary during harvest time

xi. During construction working hours 7am to 7pm Monday to Friday, reduced hours on Saturday and possible working on Sunday

xii. A total of 11 (eleven) individual trees, one group of trees plus two sections of one group of trees will be removed for the application. A further 3 (three) trees are detailed as being removed subject to the view of the Highways Authority Office.

## Material and References

14. The application proposes the construction on nearly 7 hectares (6.99 hectares) of land with a continuous history of "being open fields with a stream adjacent to the southern boundary of the site. The north-western area of the site is bounded by the A40. High Cogges Farm and cottages (former smithy, saw mill and works between 60 to 120 years ago) lie with 150m to 500m to the south-west of the site" - also see site context drawing.
15. There are multiple residential properties (cottages) that are located within 500m of the site. The closest cottage is Smarts Cottage located 250m south of the site.
16. The current site before development "includes areas of cropland (4.7 ha), grassland habitat (2.1 ha) and scrub habitat (0.1 ha). Of these the areas of cropland have the highest biodiversity value (9.44 BU) followed by the grassland habitat (8.49 BU), scrub habitat (1.02 BU), woodland habitat (0.37 BU) and urban (0.02 BU). The overall ecological baseline is around 19.33 BU (habitats). The proposed onsite change would lead to an increase in the areas of developed land although claiming there would be a biodiversity net gain.
17. It is accepted that the site before development:
  - has high potential to support nesting birds, and high potential to support foraging birds;
  - has moderate potential to support roosting bats, and moderate potential to support foraging bats;
  - has moderate potential to support badger;
  - has moderate potential to support dormice;
  - The site contains or is very close to several priority habitats.
18. The total feedstock for the development is anticipated to be 93,000 tonnes/year consisting of mostly straw and silage (rye, maize and grass), comprising approximately 70% of the total, with the remainder comprising poultry litter and farmyard manure (FYM) (remaining 30%). Silage and straw feedstocks would be received by road via tractors or lorries with open trailers. Poultry litter and FYM would be received within enclosed trailers. The Parish Council in those circumstances do not accept the analysis of potential sources of odour as small or negligible - see Table 6-1 of the Air Quality

assessment nor accepts that the likely odour effects would be negligible - Table 6-3.1.

19. It is anticipated that the Proposed Development would result in the following approximate daily trip generation: 5 LDV trips (10 AADT) - due to the employment of 5 staff at the Site; and 34 HDV trips (68 AADT) - calculated from the total anticipated number of HDVs arriving/departing based on annual tonnages processed - daily trips would fluctuate on a seasonal basis (i.e., during the harvest season when silage is brought in from the fields).
20. As it is put in the Transport Assessment:

"The proposals will result in a varied traffic HGV traffic generation across the year. A traffic forecast has been undertaken which indicates that the site could be served by approximately 12,958 HGV/tractor trips. For the majority of the year (10 months) the proposed development would generate 36-39 HGV/tractor trips per day associated with local farming operations, which equates to 72 - 78 HGV/tractor movements. Proposed site traffic generation levels would then peak associated with seasonal harvest periods. This would likely be restricted to two weeks in June and July (Rye Silage) and two weeks in September (Maize Silage). Predicted traffic levels would peak for two weeks in June/July with up to 99 HGV/Tractor trips per day, which equates to 198 HGV/Tractor movements."

21. Further the Parish Council observes that any assurance given by Acorn that immediate or current prospective contracts for the supply of material for the AD will mean material comes from farm land to the north and therefore by implication be funnelled down the A40 and not through the village, will by economic imperative, be supplanted by the contracts nearer to hand (therefore cheaper) and therefore from the land to the South and South East of the village meaning traffic funnelled through the village.
22. During construction "in terms of construction impacts, it has been forecast that the construction process would require a total of approximately 350 HGV deliveries across the whole period which would occur "Between 7am and 7pm Monday to Friday, reduced hours on Saturday and on Sundays and bank holidays with prior approval save in an emergency".



23. The access road is the South Leigh Road. South Leigh Road is described in the Transport Statement at 3.2.2 as comprising "a typical rural road, flanked by grassed verge and hedgerow with trees intermittently." It is important to note, as the photographs make clear, that there are no footpaths by the entrance, flanking the entrance or on either side of the road. The road is narrow, with a junction near the access/ingress point of the site and insufficient width for large vehicles to pass. As the Transport assessment accepts "to the south-east of the site access junction South Leigh Road is a typical narrow rural lane which serves local agricultural land and local settlements. It is unsuitable for regular HGV traffic, as signed at the B4022 junction." It is unlit, subject to the national speed restriction and is claimed to be in good condition. The Transport Statement accepts the AD will require "tractors with trailers and various HGVs including tube trailers, in the form of maximum sized articulated lorries".
24. Despite these extraordinary increases in the traffic, the character of the vehicles involved, the acceptance of "traffic congestion challenges in the area", the "planned highway improvement schemes" presumably meaning Shores Green (see 3.2.5 of the Transport Statement) and the A40 it is concluded that the "proposed level of traffic is not significant." This conclusion is, with respect, risible.
25. Further it is concluded, without any reference to the risk to cyclists or pedestrians (there being no footpaths) or horse riders, that there would be "no detrimental impacts to the safety and/or operation of the local highway." provided a TMP is in operation. Another conclusion which calls into question the objectivity of the report not least because South Leigh is a well-known as a recreational cycle route.
26. Further there seems to be a reliance on some of the traffic already being "on the local network" and insufficient consideration on its concentration as a result of the development to a narrow area on the South Leigh Road - see Transport Statement 6.4.
27. In relation to the Transport Statement access to and from the site and preventing or restricting access through the village cannot be enforced, will not be enforced and cannot control the situation should there be blockages on the A40.

28. On the site the applicants propose the construction of the following:

- (1) clamps, welfare office, straw buildings and other ancillary buildings
- (2) liquid storage tanks,
- (3) fermenter tanks and
- (4) lagoons - see site layout plan - there are two sorts of lagoon- a rainwater lagoon and two covered lagoons.

29. A more comprehensive list is set out on pages Table I-1, page 2ff of the Landscape and Visual Appraisal together with dimensions of various elements.

30. The Landscape and Visual Appraisal accepts that for a period of 15 years there would be both potential impacts during construction and thereafter from the following:

- Site preparation and earthworks including the presence of compounds / temporary spoil heaps;
- Presence of moving construction vehicles and large machinery, including cranes;
- Presence of disturbed land;
- Active change in the landscape / land use as development progresses;
- Views of construction process and extensive areas of bare earth;
- Views of construction traffic;
- Light associated with floodlighting to allow a full working day in winter;
- Extensive areas of bare earth from temporary stockpiles and new landforms before they have had a chance to 'green up' from the landscape works.

Thereafter

- o The introduction of new buildings with an industrial appearance in a rural landscape
- o Loss of existing landscape resource - land use and landcover
- o Creation of new landscape elements
- o Landform changes
- o Mitigation and enhancement planting
- o Indirect effects on existing adjacent landscape character areas
- o Visual intrusion
- o Changes to views appreciated by key receptors.

31. There is an acceptance that residential receptors and others would "experience a partial view of the proposed development" and that it may be visible as far away as from Cokethorpe School and Park - 6.3.4 - Landscape Appraisal.

32. The nature of the effects are set out at pages 49ff and there is acceptance of medium to high sensitivity during the construction period to residential receptors. The nature of effects thereafter on residential receptors would be as follows

- o "Edge of South Leigh: Once construction works are complete the upper elevations of the Proposed Development (namely the domed membrane of the digester tankers) would be discernible in the view especially in winter months and likely to be more apparent from properties upper storeys. Mitigation vegetation would not provide screening from this angle and proposals would be reliant on existing vegetation in the foreground including the native woodland to the south of the Site and hedgerows / hedgerow trees edging South Leigh Road. A sympathetic colour palette would be used to "blend" the structures into the surrounding backdrop of woodland and sky. Residents of properties would therefore experience at worst a Slight to Medium magnitude of change resulting in a Minor to Moderate adverse effect at Year 0 and at Year 15."

We should say that the use of a "sympathetic colour palette" in the context of this large and tall industrial site is of course totally reassuring

- o "Edge of High Cogges: By Year 0 the entranceway into the Site would have been completed and views may be apparent of low-level structures and the western most digester tanker behind as well as the domed membranes of the digester tanks which would sit slightly above the existing tree canopy. Mitigation planting alongside the entranceway would not have reached maturity to screen lower-level structures. Views would be partial, filtered and more apparent during winter months and from upper storey windows and the curtilage of properties. Residents would be of Medium to High sensitivity, experience a Medium magnitude of change resulting in a Moderate adverse effect."

At Year 15 mitigation planting would be reaching maturity providing screening to the entranceway and low-level structures within the Site, though views would still be apparent of the domed membranes generating a Slight to Medium magnitude of change and a Minor to Moderate adverse effect.

33. It is accepted by Acorn that there are no feasible additional landscape mitigation measures within the site which could further reduce the landscape and visual effects described

above, as such the residual effect would be as those reported within the appraisal section described above.

34. The Landscape and Visual Appraisal accepts that there will be seasonal variation but then says "the images captured for the LVIA were taken when deciduous trees were in leaf" and that there was no night time appraisal and only one site visit, on 30th August 2022 - 1.7.

35. There will be the following aspects of the AD operating 24 hours a day with the majority of units positioned at the nearest point to human habitation (to the south of the site) with the consequent noise, vibration etc

- (1) Combined Heat and power plant
- (2) Chiller
- (3) 2 Compressors
- (4) Biogas Upgrading and CO2 recovery unit
- (5) Extracting Station
- (6) 28 No Tank mixers
- (7) Grid Entry Unit
- (8) Pump container
- (9) Pumps for heat system
- (10) Gas flare
- (11) Boiler

36. Further during the working day there will also be a dozer to compact biomaterial into the clamps. In addition to the above plant there will be heavy goods vehicle (HGV) movements and tractors with trailers coming in and out of the site.

37. The Parish Council questions the conclusions of the noise assessment in the light of the above but also notes the baseline noise assessment was taken on one week between Thursday 30th June and Monday 4th July 2022 with low wind speed (with of course plants in leaf) and at least 5 assumptions have been made, with one where it is the client who has given estimates. One must be highly sceptical of a report that assesses the noise at no higher than 40 give the noise outputs at Table 6-2 on pages 16-17. The conclusion that the "sound resulting from the proposed development will be largely unnoticeable at the noise sensitive receptors" is rejected.

38. The application should be rejected as it would impose a 7 hectare industrial unit on a green field site in a rural village with all the accompanying heavy traffic.

Major Planning Applications 18/07/2023  
Team

Highways:

Objection for the following reasons:

- The potential impact of slow moving vehicles on the A40 has not been considered - further information required;
- Insufficient information has been provided to demonstrate worst case (harvest time) traffic impact can be mitigated.

Lead Local Flood Authority:

Objection for the following reasons:

- Clarification required on the greenfield run off rate calculations;
- Provide level information for the wetland area;
- Ownership details and consent to discharge surface water to the existing ditch to be provided;
- Applicant wishes to have no pre-commencement conditions, detailed drainage drawings and calculations will be required to satisfy the LLFA.

Climate

No Comment Received.

District Ecologist

10/05/2023

I've been re-consulted on the above application however, wintering and breeding bird surveys are still outstanding. This information may affect the proposed habitats and as such may require the submitted metric to be amended. The applicant has stated that these surveys have been or are currently being undertaken, can you please re-consult once the outstanding survey information has been submitted.

Wildlife Trust

No Comment Received.

Major Planning Applications 15/08/2023  
Team

Lead Local Flood Authority:

Objection for the following reasons:

- Clarification required on the greenfield run off rate calculations;
- Provide level information for the wetland area;

- Ownership details and consent to discharge surface water to the existing ditch to be provided;
- Applicant wishes to have no pre-commencement conditions, detailed drainage drawings and calculations will be required to satisfy the LLFA.

District Ecologist

18/09/2023

Further information is needed to assess the potential biodiversity implications:

Section 3.2.3 of the submitted preliminary ecological appraisal (PEA) describes an area of dense scrub located either side of a deep ditch. There is no further description of the ditch and it has not been included within the watercourse module of the wider BNG metric. The LPA will need to understand the functionality of the ditch, for example, is there connectivity between the on-site ditch and the Limb Brook watercourse to the south? Was there evidence of protected or notable species using the ditch? Does the ditch provide suitable habitat for protected or notable species? In addition, the submitted 3.1 biodiversity metric will need to be amended by an accredited ecologist to include the ditch within the watercourse module and demonstrate a net gain can be achieved.

As mentioned above Section 3.2.3 describes an area of mixed scrub and trees whereas, drawing 2 (page 23 of 36) submitted within the biodiversity net gain (BNG) assessment document refers to this habitat as an existing native hedgerow and hedgerows trees. This habitat area will need to be clarified to enable the LPA to understand the baseline value, and if necessary, the metric will need to be amended.

The Riparian Mammals paragraph in Section 3.3.6 of the submitted PEA concludes Limb Brook does not provide suitable habitat for water vole or otter. There are no photographs or reasoning behind this conclusion. A justification as to why the watercourse is not suitable for these species will need to be provided

Habitat condition assessment sheets are included as an appendix within the submitted BNG assessment report however, after reviewing the PEA and BNG assessment report I have been unable to locate conditions assessments for each habitat parcel. This information will need to be submitted to the LPA; apologies if this information has already been submitted.

Proposed other neutral grassland has been assigned a good condition in the metric, the LPA is hesitant to accept any habitats as good without a clear outline as to how this condition will be achieved, particularly since agricultural fields are present to the north and east and the land is proposed for re-profiling to attenuate water flow. Either the condition will need to be down-graded to moderate or alternatively the project ecologist can provide details as to how a good condition will be achieved within the specified timeframe. This information would need to be submitted with the planning application to ensure the proposed habitat units are deliverable.

The submitted bird survey report states 0.29ha of woodland will need to be removed to accommodate the access to the site. The metric shows 0.05ha of woodland to be lost, which is greater than the existing woodland area (0.045ha). This discrepancy will need to be clarified. In addition, the woodland to be lost crosses into the riparian zone of Limb Brook (defined as 10m from each bank top) and as such, the adjacent lengths of watercourse must be included in the metric (please refer to the Environment Agency's Q&A, dated May 2023 and the BNG User Guide, whilst I note these guides were designed with the 4.0 BNG metric in mind, the guidance is still applicable to the 3.1 metric). Further, whilst it is not currently clear, it would appear the red line boundary, south-east of the development may too cross into the riparian zone of Limb Brook. If this area does fall within the riparian zone of the Limb Brook, the adjacent lengths of watercourse will need to be included in the metric.

If the above cannot be resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to demonstrate the proposal will not result in harm to biodiversity as insufficient information has been submitted to ensure impacts to protected and/or priority species are minimised or adequately compensated. Further, insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.

APPROPRIATE ASSESSMENT UNDER REGULATION 63 OF THE CONSERVATION OF HABITATS & SPECIES REGULATIONS 2017 (as amended) completed. Natural England to be consulted.

Natural England

11/08/2023

#### NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Adjacent Parish Council

03/04/2023

Witney Town Council object to this application.

The scheme poses a detrimental impact from the increase in traffic, not just by increased vehicles using the already congested A40 to Oxford & Banbury, but the potential for traffic diverting through Witney town at times when incidents occur on the A40. The transport strategy is inadequate. The estimated daily vehicle movements are far too high for the only road linking South Leigh with Witney.

The proposed scheme will compromise the safety of pedestrians and cyclists travelling between Witney & South Leigh, this is a busy route for vulnerable road users including those on the school route. An increase of HGV traffic on this route detracts from quality of life.

Witney Town Council are disappointed that there doesn't appear to be any community benefit for the residents of Witney.

Major Planning Applications  
Team

09/05/2023

#### Minerals & Waste:

Thank you for consulting us on application 23/00179/FUL. I note in the Design and Access statement that the National Planning Policy for Waste is cited, however the application has not been submitted as a waste facility. If you have not done so already, it would be advisable to discuss with the County Council's



Development Management Team to establish that this is the case.

Our response is based on this not being a waste facility, and that any waste included in the process is ancillary to other materials. We have therefore confined our response to the safeguarding of Minerals and Waste resources and facilities.

The proposal is not in a mineral safeguarding area, nor is it in the vicinity of a mineral or waste facility. Consequently we do not have any comments on the application.

Lead Local Flood Authority:

- Greenfield run off rate calculations to be provided for the site;
- Discharge rate to be shown on the drainage plan;
- Outfall location from the lagoon is not shown to the existing ditch;
- Ownership details and consent to discharge surface water to the existing ditch to be provided.

Natural England

11/10/2023

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11 August 2023 [NE Ref: 445101].

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Major Planning Applications Team No Comment Received.

Natural England

21/06/2023

## FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Oxford Meadows Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An in-combination air quality assessment of the potential impacts of the development on Oxford Meadows Special Area of Conservation (SAC).

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Major Planning Applications Team No Comment Received.

District Ecologist No Comment Received.

Major Planning Applications Team No Comment Received.

Health And Safety Executive No Comment Received.

## 2 REPRESENTATIONS

2.1. 243 third party objections have been received, relating to:

- Ecology
- Smell
- Highway safety
- Wrong place for development
- Loss of green space
- Loss of farmland
- Noise pollution
- Light pollution
- Doubts green credentials

- Water pollution
- Visual impact
- Large development
- Landscape impact
- Loss of tranquillity
- Traffic increase
- Contrary to WODC planning policy
- Contrary to neighbourhood planning policy
- Contrary to NPPF
- Safety
- Non-essential development
- Poor design
- Flood risk
- If WODC approves this planning, it will set a dangerous precedent
- Industrialising our rural countryside
- South Leigh and High Cogges Parish is unsustainable in planning terms
- Impact to PROW
- Air quality
- High visibility
- Inappropriate for site
- Impact to ecology
- Excessive scale
- Impact to single track road
- The local roads do not support an increase in large vehicles
- Conflict with Shore Green Junction development
- No local benefit
- Large number of vehicle movements
- Support Parish Council objection
- Impact to nearby dwellings
- Not brownfield site
- SLR Visual impact report is misleading
- Size of development completely out of scale of locality
- Devalue nearby dwellings
- Impact to cyclists
- Imposing, industrial scale and dominant appearance.
- Impact to dark skies
- The local community is strongly against this proposal
- Lack of footpaths
- 17 metres, will dwarf many of the local trees and will be an eyesore
- High levels of artificial light
- Loss of trees
- Impact to protected species
- Should be located on an industrial estate

- Poor design
- Unsustainable development
- The River Windrush is already highly polluted and this will only add to the water pollution in our area
- Shores Green junction should be completed before any further development takes place around this area
- Routes into Witney already congested
- Project is out of scale with the area
- No sustainable transport links
- Inefficient way of utilising organic farm waste
- Impact to archaeology
- The proximity to people's homes and the impact on their health and well-being
- Will result in significantly in excess of 10,000 additional local traffic movements annually
- Disturbance during the construction phase
- Plant will not be carbon neutral
- The seepage of pollutants to the water table and nearby stream
- Safety risks from lightning strikes

2.2. Seven third party support comments relating to:

- Supports investment in renewable energy production to help tackle the local, national, and international climate crisis
- The feedstock can be grown on agricultural land within close proximity to the site
- The feedstock is delivered to the site by agricultural vehicles (tractor and trailers)
- Movements through the village can be minimised
- The digestate produced by the plant can be incorporated back onto the local land as an organic fertiliser
- The plant will be fed with feed crops and therefore we do not believe that smell will be an issue
- Significant environmental benefits
- This proposed plant will produce enough green gas (biomethane) to heat around 9000 homes
- It is green because the gas is produced from the digestion of plants / organic farm wastes that took the carbon out of the atmosphere when the plants (crops) or animal feed grew
- Biomethane will replace carbon-intensive sources of overseas natural gas
- Any CO<sub>2</sub> arising from the plant matter/agricultural waste which is produced on site is also captured.
- Planning policy at a national and local level is supportive of applications that provide the infrastructure needed to transition to net zero
- The site benefits from considerable screening from trees on all sides
- There is a national need for renewable energy
- From a farming perspective supplying energy crops as break crops in an arable rotation is huge advantage to the soils

- Solar energy production takes away land for food production for up to 25-40 years, that is not sustainable going forward, we must not rely on food and energy imports for the generations to come when we can produce both here in rotation going forward indefinitely
- The applicants transport statement and entrance design that vehicles arriving or leaving the site will only be able to do so from the A40 slip road
- Anaerobic digestion is a mature and well understood technology
- The applicant has undertaken odour assessments with reassuring results as can be seen in their application
- The benefits of the site will help support the rural economy and sustainable agriculture
- This proposal could secure and safeguard jobs/livelihoods
- Diversification of income
- Financial benefits of digestate
- Environmental benefits of digestate
- The AD plant will support a number of government priorities
- Being able to harvest the suns energy by growing crops, feeding them into a digester to release gas and nutrients for us to grow more crops is a sustainable way in which we can produce energy and food, and one we should be recommending and supporting

2.3 CPRE West Oxon District Committee object in relation to the following issues:

1. Traffic generation and management.
2. Loss of visual amenity
3. Cumulative effect.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) object in relation to the following issues:

1. Application does not provide adequate evidence of a net gain in biodiversity
2. The importance of a net gain in biodiversity being in perpetuity
3. The importance of avoiding impact on UK priority species including breeding and wintering birds
4. Management of hedgerows in order to achieve biodiversity net gain

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

3.1 The applicants Planning Statement concludes as follows:

3.2 The proposed AD facility would accept in the region of 93,000 tonnes per annum of feedstock from local farms and process it to generate carbon negative biomethane, which would be used to heat homes and fuel vehicles. Enough biomethane would be produced to meet the heating demand of the equivalent of c.9,500 UK homes (based on 12.3MWh/year per household). In comparison with standard UK grid emissions, the biomethane produced by the AD facility would have an equivalent saving of 31,500 tonnes of CO<sub>2</sub>e each year, equivalent to taking 20,200 cars off the road.

3.3 Subsistence in power generation is increasingly important in these times of rapidly rising fuel prices and uncertainty over imported gas and the production of biomethane would be in line with local and national targets for reducing CO2 emissions and reliance on fossil fuels, whilst also contributing to UK fuel self-sufficiency. The solid and liquid digestate would be spread on surrounding farmland in place of artificial fertilisers, thereby reducing the reliance on imported fertiliser, which has also faced recent supply chain issues.

3.4 Whilst the existing arable land would be lost, significant biodiversity net gain will be achieved by strengthening the existing native planting, the creation of wet grassland and nectar rich grassland and new tree and hedge planting around the edges of the Site.

3.5 The technical assessments undertaken to inform the application have been completed in accordance with up-to-date guidance and standards. The conclusion of the technical assessments is that there is no single issue or combination of issues that should prevent the proposed development from proceeding. The proposed development would be acceptable in terms of highway capacity and safety, would not cause adverse public health and safety impacts or unacceptable adverse amenity or visual impacts. The carefully designed layout scheme would ensure that there would not be a significant adverse effect on designated or important habitats and species and that no additional flood risk would be caused.

3.6 Planning conditions, good management by the applicant and an Environmental Permit from the Environment Agency would ensure the protection of local amenity and the environment from negative effects of development. Furthermore, the Landscape Strategy, developed in consultation with SLR ecologists and landscape architects, would ensure that the final design of the scheme brings landscape improvements and ecological benefits over and above those offered by the existing arable land.

3.7 In the light of the above considerations, it is concluded that the development could proceed in accordance with the underlying objectives of policies relating to a low carbon economy, production of renewable energy and supporting the resilience of the rural economy. The planning policy analysis also concludes that the development could proceed in accordance with the development plan policies for the area.

3.8 In all these circumstances it is considered that there should be a firm presumption in favour of permission being granted.

## **4 PLANNING POLICIES**

- E2NEW Supporting the rural economy
- EH7 Flood risk
- WITINE East Witney Strategic Development Area (SDA)
- DESGUI West Oxfordshire Design Guide
- NPPF 2023
- SOLENP South Leigh Neighbourhood Plan
- E1NEW Land for employment
- EH9 Historic environment

- EH11 Listed Buildings
- EH13 Historic landscape character
- EH15 Scheduled ancient monuments
- WIT6NE Witney sub-area strategy
- 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
- EH2 Landscape character
- EH3 Biodiversity and Geodiversity
- EH6 Decentralised and renewable or low carbon
- EH8 Environmental protection
- T1NEW Sustainable transport
- T2NEW Highway improvement schemes
- T3NEW Public transport, walking and cycling
- T4NEW Parking provision

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

## 5. PLANNING ASSESSMENT

5.1 The proposal is a full planning application for the 'construction and operation of an anaerobic digestion facility, ancillary infrastructure and the construction of a new access road and access from South Leigh Road'.

5.2 The proposed development includes the following:

- Slurry Tanks, Pre-Tanks, Dirty Water Tanks (To be in green or an alternative colour agreeable to the LPA): Total 6 No. 8m x 8m;
- Chicken Manure Reception Shed (To be partly clad in green under a fibre cement roof or clad using an alternative colour agreeable to the LPA): 26.5m x 19.5m x 6m to eaves, 8m to ridge;
- Straw Building (To be partly clad in green under a fibre cement roof or clad using an alternative colour agreeable to the LPA): 48m x 15.7m x 6m to eaves, 8m to ridge;
- Silage Clamps (x3) (The silage clamps will be constructed with pre-cast concrete wall panels that are filled with earth): Clamp 1 - 86.25m x 42.5m wide x 3.52m high. Clamp 2 - 73.75m. x 42.5m x 3.52 high. Clamp 3 - 61.25m x 30m x 3.52 high;
- Feeder Hoppers (To be green or an alternative colour agreeable to the LPA): 3 No. Approx area 240m<sup>3</sup> each;
- Digester Tanks / Fermenters (To be clad in green or an alternative colour agreeable to the LPA): Total 5no. Storage capacity of each 35,000m<sup>3</sup>; straight wall height of 9m with 7.6m gas dome; 34m diameter; max height approx. 17m;
- Pasteurisation Tanks: 4 x 25m<sup>3</sup> tanks approx. 3m diameter x 11 m high;
- Separator Building: 18m x 15m x 6m to eaves, 8m to ridge;

- Digestate Lagoons: Storage capacity 2 x 10,000m<sup>3</sup> each;
- Gas Flare: Stack height 9m. Flue diameter 2.4m. Footprint 5 x 4m;
- Biogas Upgrade Unit: Over footprint 26 x 9m x 3m. (2 no. containers and associated equipment). Vent height 7.5m;
- CO<sub>2</sub> Capture Unit: Approx 10m x 16m x 4.75m;
- CO<sub>2</sub> Tanks: 2 no, 13.2m long by 3m diameter by 3.4m high including plinth;
- Combined Heat and Power (CHP) Units: Total 2no. CHP1 -13m x 3m x 3m, stack 9m; CHP2 - 13m x 3m x 3m, stack 9m plus, associated equipment;
- Compressors: Total 2 no. 13m x 3m x 3m, stack 5m plus associated equipment;
- Propane Tanks: 1 x 22.5t buried plus associated equipment;
- Biomethane/CO<sub>2</sub> off-take vehicle bay (x5);
- Containment Bund: 9350m<sup>2</sup>
- Lagoon offtake bay: 1 no, offtake station for HGV;
- New Site Access Road;
- Pump room container: 1no. Enclosed area between tanks inside containment bund and 2no outside containment bund 13m x 3m x 3m;
- Rainwater Detention Lagoon;
- Site Boundary Fence: 2.4m high v mesh fencing installed around the core site;
- Weighbridge and Site Office Welfare Office Unit (x2): 4 x 40ft containers on top of each other.

5.3 The applicants Planning, Design and Access Statement describes the process proposed at the site as follows:

*The proposed development would import and treat in the region of 93,000 tonnes of feedstock per annum from the applicant's landholding and surrounding farms, which would undergo a process of controlled decomposition (anaerobic digestion) within the Anaerobic Digestion (AD) facility. This anaerobic digestion generates biogas which is upgraded on site into biomethane, before being removed by tanker to a central facility for injection into the national grid. The AD facility would have the capacity to produce approximately 10,581,682 Nm<sup>3</sup> of biomethane per annum.*

*The AD facility feedstock would typically comprise the following:*

- energy crops such as silage, rye, maize and grass;
- straw; and
- poultry litter and farmyard manures.

*In addition to the biogas, the AD process would also produce a nutrient rich solid fertiliser, soil conditioner and a liquid fertiliser (digestate), which would be used on local farmland, in place of raw manures and artificial fertilisers.*

*The AD process would also result in the production of carbon dioxide (CO<sub>2</sub>) as a natural by-product. This by-product is usually vented by AD plant operators, for whom the main goal is the production of biomethane. However, as CO<sub>2</sub> is a precious resource, the proposed AD facility would be fitted with equipment to upgrade the CO<sub>2</sub> to 99.9% purity, suitable for almost all industrial and commercial*



*applications in the UK. Upgraded CO2 would be liquefied and transported by road to end users within the market area. The proposed AD facility would capture approximately 15,003 tonnes of CO2 a year.*

5.4 The application site comprises approximately 6.99ha of agricultural land approximately 1.2km to the east of Witney, on land between the A40 to the north and South Leigh Road to the south. The site is bounded by further arable fields to the north, west and south, with the remaining eastern section being part of a larger field.

5.5 There are no Public Rights of Way (PROW) within the site itself. However, PROW 353/1/10 is located approximately 235m to the east of the site and runs north to south. PROW 353/31/10 is located approximately 200m to the south/south west of the site and runs in east to west.

5.6 The grade II listed Ladymead Cottage is located approximately 185m to the south west of the site. Other grade II listed buildings in the wider area include Eld Cottage, High Cogges Farm and Granary, 20M East Of High Cogges Farmhouse located approximately 480m to the south west and Upper Wayside Cottage/Lower Wayside Cottage located approximately 570m to the south east. These are measured from their nearest points. In South Leigh is the Grade I Listed Church of St James approximately 1.2km southeast.

5.7 The site is within the Wychwood Project Area and the West Oxfordshire Landscape Assessment (WOLA) describes the site as being Semi-enclosed Rolling Vale Farmland in the Eynsham Vale.

5.8 The site is in flood zone I.

### **Relevant Planning History**

5.9 22/02833/SCREEN: Construct and operate an anaerobic digestion facility. Environmental Impact Assessment no required 09.11.2022.

5.10 The application was referred to the Lowlands Area Planning Sub Committee by Councillor Levy on highway safety and odour grounds.

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Highway Safety;
- Drainage and Flood Risk;
- Ecology;
- Residential Amenities;
- S106 Matters;
- Other Matters; and

- Conclusion and Planning Balance

## **Principle of Development**

### *Development Plan*

5.12 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.

5.13 The site is located within the open countryside and as such falls within the 'Small villages, hamlets and open countryside' hierarchy set out in Policy OS2 (Locating development in the right places). Policy OS2 states 'Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area'. Policy OS2 is clear that 'Proposals for non-residential development that is regarded as appropriate will include:

- Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- Proposals to support the effectiveness of existing businesses and sustainable tourism;
- Development which will make a positive contribution to farm and country estate diversification; and
- Telecommunications development sited and designed to minimise impact upon the environment'.

5.14 The application is an anaerobic digestion facility. The resources used by the AD process include crops, straw, chicken litter and farmyard manure. The proposed feedstock would be c.75% crops and c.25% agricultural by-products (e.g. manures). The operation of the AD facility would enable local farms to dispose/sell their waste and crops to the facility. This would also produce a fertiliser. Officers consider that the AD facility would be 'Development which will make a positive contribution to farm and country estate diversification' and as such is supported by OS2 in that regard.

5.15 While OS2 can offer some 'in principle' support for the scheme, OS2 also sets out a number of general principles which all development must accord with. Of particular relevance to the application is the need for development to:

- Be of a proportionate and appropriate scale to its context;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;

- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access;
- Conserve and enhance the natural, historic and built environment

5.16 Whether the development accords with the general principles is addressed later in this report.

5.17 Local Plan Policy E1 (Land for employment) is also relevant to the principle of development. Point 6.16 states 'For the purposes of this section, Employment Development Land and Employment Sites include land and sites with office-based, industrial and warehouse/storage uses (known as the B-use classes)'. Officers consider that the use would be industrial and as such the site would fall within the B-use classes. Policy E1 identifies sufficient land to meet employment needs however, the development site is not allocated within E1. Therefore, the scheme conflicts with Policy E1 in that regard.

5.18 Local Plan Policy E2 (Supporting the Rural Economy) allows new and replacement buildings in the proposed location where 'required for diversification proposals which are fully integrated with an existing farm business or where they meet a specific business need which cannot otherwise be met in a more sustainable location'.

5.19 Policy E2 elaborates that 'Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they:

- are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and
- remain compatible and consistent in scale with the farm/estate operation and a countryside location; an
- re-use existing buildings where feasible in accordance with Policy E3'.

5.20 Arguably, the proposal is necessary for agricultural production as it produces fertiliser and as the main inputs are crops and farm waste, the proposal would retain the core farm businesses and would add value to such core farm businesses. Furthermore, as set out in the OS2 section above, the development would make a positive contribution to farm and country estate diversification. Therefore, policy E2 does offer some support for the scheme. However, E2 also requires that development proposals are 'compatible and consistent in scale with the farm/estate operation and a countryside location'. Whether the development accords with this is addressed later in this report.

5.21 Policy OS3 (Prudent use of natural resources) states 'All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources.' OS3

seeks to maximise resource efficiency and minimise waste. Policy OS3 also offers some support for the proposal.

5.22 Policy EH6 (Decentralised and renewable or low carbon energy development (excepting wind turbines)) states 'In principle, renewable and low-carbon energy developments, especially run-of-river hydropower and the use of biomass will be supported..... Renewable or low-carbon energy development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. In assessing proposals, the following local issues will need to be considered and satisfactorily addressed:

- impacts on landscape, biodiversity, historic environment, agricultural land, residential amenity, aviation activities, highway safety and fuel/energy security, including their cumulative and visual impacts;
- opportunities for environmental enhancement. Environmental enhancements, in addition to those required to mitigate and compensate any adverse impacts, will be sought, especially where they will contribute to Conservation Target Areas and Nature Improvement Areas;
- potential benefits to host communities (including job creation and income generation)'.

5.23 It is clear that EH6 offers some support for the proposal. However, the criteria to EH6 will be addressed later in this report.

#### *South Leigh Neighbourhood Plan (2017 - 2031)*

5.24 The application site falls within South Leigh Parish and so the provisions of the South Leigh Neighbourhood Plan must be taken into account when considering the principle of development.

5.25 In general terms, the plan seeks to:

- Support the development of more local employment opportunities;
- Minimise additional traffic flows within the Parish;
- Encourage energy efficiency;
- Protect dark skies by minimizing light pollution;
- Promote renewable energy production on an individual household basis;
- Create and protect wildlife habitats and corridors around the Parish.

5.26 Policy SLD6 - states that planning permission will be given for development that enables existing rural businesses in the Parish to expand and develop provided that it is in keeping with the scale, form and character of its surroundings, it does not significantly adversely affect the amenities of the community in the area, it does not significantly increase traffic on the rural roads in the Parish and falls within Class B (now superseded) of the Use Classes Order. Whether the development accords with this is addressed later in this report.

5.27 Policy SLE3 identifies a series of existing and proposed green corridors. Whilst the map included in the Neighbourhood Plan is not overly clear, the application site appears to fall in part

within a proposed green corridor and possibly within part of an existing corridor too. In this respect, whilst the policy does not preclude the possibility of development, it does require any new development to conserve and where possible to enhance the identified corridors to facilitate their multi-functional role, including the movement of people and wildlife through the landscape.

### *National Policy*

5.28 Moving to national policy that applies to the principle of development. Paragraph 81 states 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

5.29 Paragraph 84 states 'Planning policies and decisions should enable.... the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.....and the development and diversification of agricultural and other land-based rural businesses'.

5.30 Paragraph 152 states 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.

5.31 Paragraph 155 states 'To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

5.32 Paragraph 158 states 'When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas, and

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable'.

#### *Waste Policy*

5.33 As a proposal that includes the disposing of waste, Oxfordshire Minerals and Waste Local Plan - Core Strategy 2017 may apply. Policy W2 seeks to make provision for adequate capacity to manage principal waste streams diverting waste from landfill. In this case the crops to be grown for use in the proposal are purposefully grown. The manures and straw would be used in agriculture if not diverted to the proposal. Moreover, as was assessed during the screening application (ref 22/02833/SCREEN), the proposed development, by way of the mix of waste (c.30% of the feedstock total for the screening application) but 25% for this application, the proposed development does not fall within paragraph 11(b) "Installations for the disposal of waste" of Schedule 2 as the feedstock is not predominantly waste products'. As such, the proposal does not count towards capacity for principal waste streams and consequently this proposal is not considered further against policies in the Oxfordshire Minerals and Waste Local Plan.

#### *Summary of Principle*

5.34 While Local Plan Policies E2, OS2 and OS3, South Leigh Neighbourhood Plan Policy SLD6 and the NPPF, does offer some support for the proposed development, further assessment is required, and this is completed below.

#### **Siting, Design, Form and Landscape Impact**

5.35 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. 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.....Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council'.

5.36 Local Plan Policy OS4 states 'High design quality is central to the strategy for West Oxfordshire. 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 and should:..... demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced.....enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space.'

5.37 Local Plan Policy OS2 also sets out a number of general principles which all development must accord with. Of particular relevance to the application is the need for development to:

- Be of a proportionate and appropriate scale to its context;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access;
- Conserve and enhance the natural, historic and built environment

5.38 South Leigh Neighbourhood Plan Policy SLE1 (COUNTRYSIDE AND LANDSCAPE) states 'Proposals for development should respect and safeguard the countryside and in particular should conserve and where possible enhance the intrinsic character and beauty of the landscape features within the Parish including:

- Individual or groups of features and their settings, such as stone walls,
  - trees, hedges, woodlands, rivers, streams and ponds;
  - Rural landscape and visual setting of the Parish's settlements;
  - Setting of historic and landmark buildings;
  - Tranquillity and perception of remoteness;
  - Dark skies;
  - Historic droveways and public rights of way;
  - Historic settlement patterns, landscape patterns and enclosures.
- In assessing development proposals particular regard will be given to the South Leigh Parish Landscape Assessment and the aims of the Lower Windrush Valley Project Area and Wychwood Forest Project Area'.

5.39 Other relevant South Leigh Neighbourhood Plan policies include SLE2 (COUNTRYSIDE ACCESS), SLE3 (EXISTING AND PROPOSED GREEN CORRIDORS), SLE5 (BIODIVERSITY), SLE7 (DARK SKIES), SLE8 (CLIMATE CHANGE) and SLD6 (BUSINESS IN THE COUNTRYSIDE).

5.40 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.

5.41 The applicants Landscape and Visual Impact Assessment is summarised in the Planning Statement as follows:

*The LVIA concluded that the effect of the proposed development on landscape designations, namely the Wychwood Project Area would be moderate but localised at Year 0 operation reducing over time and as mitigation planting matures.*

*In terms of effects on landscape elements specific to the Site, the change in landform, loss of existing vegetation, land use and partial enclosure which would result in a varying range of effects from Moderate to Major to Minor though localised to the Site itself. In terms of effects on visual receptors, there would be at worst Moderate effects experience by receptors within the immediate vicinity of the Site, namely residents on the edge of High Cogges, users of South Leigh Road / High Cogges Road and users of PRoW to the east on elevated ground where views into the Site are more apparent.*

*Effects are localised 0.5 to 1 km of the Site and would range from No Change, Negligible, Negligible to Minor, Minor to Moderate adverse to Minor positive effects generated because of mitigation planting contributing to the surrounding vegetation in the landscape and a sense of enclosure.*

*In summary, although the proposed development would be visible to an extent, through the appropriate use of colour and materials and the introduction of new soft landscape elements within the scheme, effects on the landscape character and visual amenity would be limited to a 1 km radius around the Site.*

5.42 The closest residential receptors are at High Cogges, approximately 230m to the southeast of the site, with further residential receptors located on South Leigh Road, approximately 240m south of the site. Officers agree with the LVIA that residential receptors on the edge of settlements such as High Cogges, South Leigh, Eynsham and the eastern edge of Witney as well as receptors of individual properties within open countryside, especially where the location is elevated above the site, may also experience a partial view of the proposed development.

5.43 Recreational and visitor receptors would be limited to users of PROW (footpaths and bridleways), in particular those in close proximity to the Site, especially where elevated, such as Footpath 353/1/10 and Footpath 353/2/10 running parallel with 353/1/10 to the east, as well as Footpath 410/42/10 to the west.

5.44 The highest potential for visibility is from the roads elevated above the site, such as the A40 and Cuckoo Lane, and South Leigh Road which runs immediately to the site.

5.45 The proposed development is substantial, in particular the main digester tanks which are shown as being 17m high and 34m in diameter, and the silage clamps which range from 86.25m long x 42.5m wide x 3.52m high to 61.25m long x 30m wide x 3.52 high. Also of note are the lagoons and associated hard standing. The overall character of the proposal is industrial and of a significant scale.

5.46 The surrounding area is disconnected from the nearest town, Witney, by the A40 and is rural in character with only a small number of villages and farmsteads scattered throughout. A



network of arable fields covers much of the neighbouring land. The proposed development, being industrial in nature, would be contrary to the existing character of the area creating a juxtaposing and jarring development in this open countryside location. Moreover, the proposed structures are significantly larger than is found currently in the area. The scale and design of this development would be out of scale with existing built form in the area and would form a dominating feature in the landscape. As the LVIA acknowledges, the site would be viewed from several receptors in the area and would result in varying impacts dependent on location and use.

5.47 The proposed development would have an urbanising impact on the setting of the South Leigh, High Cogges and Witney. 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 a significant industrial development which along with the traffic movements, lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. It is considered to cause harm to the landscape due to the urbanisation of the greenfield site.

5.48 The application site contributes to the rural ambience on the approach to South Leigh and High Cogges when approaching from the A40. It reinforces that South Leigh and High Cogges are rural villages. In that regard the site contributes to the rural character of these villages. As the proposed development is industrial and extends into open countryside to the east it would fundamentally alter the land character from rural to urban/industrial in this location. Therefore, the proposal would not protect the setting of the settlements and would involve the loss of an area makes an important contribution to the character or appearance of South Leigh and High Cogges.

5.49 The proposal does not respect the character and local distinctiveness of South Leigh and High Cogges as it introduces a large scale industrial development which juxtaposes and jars in this open countryside location. Furthermore, it is not considered to be limited development.

5.50 Officers are particularly concerned with the impact to users of the nearby PROWs. Of note is that South Leigh Neighbourhood Plan Policy SLE3 which identifies a series of existing and proposed green corridors. These corridors have been informed by work undertaken by the Thames Valley Environmental Records Centre ('TVERC') and are based on modelled habitat networks and Public Rights of Way. As the site appears to fall in part within a proposed green corridor and possibly within part of an existing corridor too the proposed development would be noticed by users of the PROW and would harm their experience of traveling through the landscape.

5.51 The impact on dark skies is of concern. This is a rural location and the South Leigh Neighbourhood Plan emphasises the importance of dark skies which are seen as an essential feature of the parish. Policy SLE7 states that existing dark skies will be maintained and proposals for external lighting kept to a minimum. Proposals that include external lighting which would have a detrimental effect on intrinsically dark landscapes, nature conservation, local amenity, character of a settlement or wider countryside will be refused. Policy EH8 of the Local Plan includes similar wording to the effect that external lighting will only be permitted where the means of lighting is

appropriate, unobtrusively sited and would not result in excessive levels of light; the elevations of buildings, particularly roofs, are designed to limit light spill and the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.

5.52 It is noted from the application documentation that external artificial lighting is required to ensure safe working during periods of reduced daylight but that the site will not be fully lit during hours of darkness to ensure that the proposed development design will not have a negative impact on either human or ecological receptors in the surrounding area. Considering the proximity to the A40 and its likely existing light spill, officers consider it likely that an acceptable lighting scheme could be controlled by condition.

5.53 Overall, the proposed development is not considered to be limited development, is not of a proportionate and appropriate scale to its context; does not form a logical complement to the existing scale and pattern of development and/or the character of the area; is not compatible with adjoining uses; does not protect or enhance the local landscape and the setting of the settlements; does not conserve and enhance the natural, historic and built environment and is not compatible and consistent in scale with the farm/estate operation and a countryside location. The proposal also involves the loss of an area of open space that makes an important contribution to the character or appearance of the area and affects green corridors as highlighted in the South Leigh Neighbourhood Plan.

5.54 The scheme is contrary to Local Plan Policies OS2, OS4, EH6, E2, and EH2, South Leigh Neighbourhood Plan Policies SLE1, SLE2, SLE3 and SLD6 and the NPPF in that regard.

## **Highway Safety**

5.55 Policy T2 (Highway Improvement Schemes) of the Local Plan states 'All development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network. Development proposals that are likely to generate significant amounts of traffic, shall be supported by a Transport Assessment (TA) and a Travel Plan. Where necessary to mitigate the impact of development and support planned growth, contributions will be sought from new development towards new and/or enhanced highway infrastructure either directly as part of the development or in the form of an appropriate financial contribution'.

5.56 South Leigh Neighbourhood Plan Policy SLT1 (TRAFFIC MANAGEMENT) states 'Any proposals which would result in a significant increase in the volume of traffic on roads in the Plan area will be assessed in terms of their potential impact upon the environment and amenities of the Parish. Where necessary, the Parish Council will work with West Oxfordshire District Council and Oxfordshire County Council to identify any appropriate traffic management measures that will serve to mitigate the negative impacts of additional traffic generation'.

5.57 Oxfordshire County Council (OCC) have maintained an objection to the proposed development throughout the course of the application assessment period. Their latest comment dated 18th July 2023 objects on the following grounds:

- The potential impact of slow moving vehicles on the A40 has not been considered; and
- Insufficient information has been provided to demonstrate worst case (harvest time) traffic impact can be mitigated

5.58 OCC also require, should the application be approved, that the applicant make a financial contribution (amount to be determined) to the A40/B4022 Shores Green junction improvements. A routing agreement is also required that restricts site generated HGVs and tractors to using the A40 and South Leigh Road north of the site (and not turning on the A40 other than at its roundabout junction with Lower Road).

5.59 The below is taken directly from OCC's latest comment dated 18th July:

*In seeking to demonstrate that the impact of the development on the A40, without the new slip roads, would not be severe, the volume of HGVs (including tractor/trailers) is compared with the overall volume of HGVs on the A40, as measured by a fixed counter to the west of Eynsham roundabout. It is assumed that all HGV/Tractor movements to from the site would pass this point.*

*Whilst the ultimate sources of input materials cannot be known, based on known interested sources, the TN estimates that only 3.7% of feedstock would approach from the west and therefore need to do a U-turn at Eynsham roundabout.*

*The site is predicted to (on average across the year) generate 72-78 HGV/Tractor movements per day. Adding a proportion of additional movements on the A40 required to make the U turn, using 3.7% as predicted in the Transport Note, would amount to around three additional HGV/tractor movements on the A40 per day. Given that this is an estimate, assuming it was 50% more than estimated could add two further movements, taking the total to 83 HGV/Tractor movements on the A40 between the site and Eynsham roundabout.*

*This works out at a 0.4% increase in overall traffic flow on the A40, and a 5% increase in HGV traffic movements across the whole day, which is modest but not insignificant. The A40 suffers from congestion throughout the day, but particularly at peak times. Adding any traffic at peak times would be contributing to a cumulative severe impact, which the new slip roads and the scheme of improvements on the A40 seeks to overcome. Ahead of those improvements, it would not be acceptable for this development to contribute to that severe impact.*

*It is noted that the site would only employ six staff on site at any one time, so the car traffic generation would not have a significant impact.*

*There are likely to be two two-week periods during the year, at harvest time, when there would be significantly more movements. The most significant would be in June, when daily HGV/Tractor movements could increase to 198 per day. Adding an additional 3.7% to represent the feedstock approaching from the west and making a U-turn to get to the site, this amounts to around a 13% increase in HGV traffic on the A40 between the site and Eynsham Roundabout, although it would still only be less than one percent of overall traffic flow. If concentrated over the daytime off peak hours, this would become very noticeable on the A40, and particularly due to the use of slow moving tractors could cause severe traffic disruption. However, the Transport Statement states that operational hours would be in line with standard*

*agricultural harvest time activity, which typically extends well into the late evening, thus spreading the impact across the day. Nevertheless this is of concern...*

5.60 Of note is that OCC have suggested conditions that may mitigate the impact to the road network, should the application be approved. The first reads:

*HGVs, tractors and trailers must not enter or leave the site between 0730 and 0900 hrs and between 1600-1730 hrs Monday to Friday. HGVs, tractors and trailers delivering to the site shall not wait on South Leigh Road or the A40 other than in designated laybys.*

5.61 However, conditions only apply within the red line area. As such, the element of the condition requiring HGVs, tractors and trailers to not wait on South Leigh Road or the A40 other than in designated laybys does not meet the tests set out in paragraph 57 of the NPPF as it is not enforceable and that element cannot be applied. The application of an amended condition preventing HGVs, tractors and trailers from entering the site at peak times therefore may actually result in further congestion of the already congested A40, thereby exacerbating the existing situation.

5.62 Officers note that while OCC are objecting, they have requested additional information. A further Transport Technical Note was submitted to the LPA on 10/10/2023 and OCC are yet to respond to the latest information. Be that as it may, OCC are currently objecting on highway safety grounds, and as the relevant specialists their opinion carries significant weight. Should this position change before this application is heard by Members of the Lowlands Area Planning Sub-Committee on November 6th, officers will circulate an update.

5.63 To conclude this section, the increased movements of HGV's and tractors using the A40, Shores Green Junction and South Leigh Road would affect the free flow of traffic. There are insufficient mitigation measures proposed to mitigate this impact. As such, the proposed development would be detrimental to highway safety contrary to Local Plan Policy T2, South Leigh Neighbourhood Plan Policy SLT1 and the NPPF.

### **Drainage and Flood Risk**

5.64 The Lead Local Flood Authority at OCC are objecting as insufficient information is provided. Officers are mindful of the LLFA objection along with the proximity to the nearby watercourse, the size of the development and neighbour comments. However, the site is within flood zone I which is the lowest risk of flooding. Moreover, the Environment Agency are not objecting, and the LLFA objection relates to technical matters rather than fundamental concerns. As such, given the submission of further details either during the application/appeal process or by conditions, officers are satisfied that the proposal would be acceptable in flood risk and drainage terms and does not form a reason for refusal.

## Ecology

5.65 Local Plan Policy EH3 states 'The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

5.66 South Leigh Neighbourhood Plan Policy SLE5 (BIODIVERSITY) states 'The biodiversity, important habitats and Green Corridors of the Parish will be protected and enhanced to achieve an overall net gain in biodiversity. Development should not harm the biodiversity of the Parish, the network of green corridors, the local ecology and natural habitats, as shown on Figure K. Any development should promote the enhancement of identified Local Wildlife Sites and Green Corridors and should support the achievement of the aims of Conservation Target Areas including the Lower Windrush Valley and the Wychwood Forest Project Area'.

5.67 South Leigh Neighbourhood Plan Policy SLE3 (EXISTING AND PROPOSED GREEN CORRIDORS) identifies a series of existing and proposed green corridors. Whilst the map included in the Neighbourhood Plan is not overly clear, the application site appears to fall in part within a proposed green corridor and possibly within part of an existing corridor too. This policy requires any new development to conserve and where possible to enhance the identified corridors to facilitate their multi-functional role, including the movement of people and wildlife through the landscape. The development being of an industrial scale in a green corridor is not consistent with this objective and there is some policy conflict in that regard.

5.68 Natural England initially objected to the scheme in relation to the unknown impact to Ducklington Mead Site of Special Scientific Interest (SSSI) and Oxford Meadows Special Area of Conservation (SAC). However, following the submission of further information, Natural England removed their objection.

5.69 Throughout the application assessment, the applicant has not submitted sufficient information to enable officers to complete a thorough assessment with regard to the impact to biodiversity, protected and/or priority species and as such further information has been required.

5.70 Officers note that while the Ecologist is objecting, and their last comment gave a refusal reason for lack of information, further details were submitted on 11/10/2023 and the Ecologist is yet to respond to the latest information. Be that as it may, officers have viewed the new details and they appear to meet the ecologists' requests. As such, the impact to protected and/or priority species is likely to be acceptable and it appears that a measurable net gain can be achieved.

5.71 To summarise this section, the impact to Ducklington Mead Site of Special Scientific Interest (SSSI) and Oxford Meadows Special Area of Conservation (SAC) is acceptable, as well the impact to protected and/or priority species is likely to be acceptable and it appears that a measurable net gain can be achieved. However, there is some conflict with the South Leigh Neighbourhood Plan in regard to the green corridor.

## **Residential Amenities**

5.72 In terms of residential amenity, officers are mindful of the comments received, particularly in relation to odour. However, the input to the site is agricultural and includes energy crops such as silage, rye, maize and grass; straw; and poultry litter and farmyard manures. While there will be some odours from the use of poultry litter and farmyard manures, these are common odours in rural locations such as this. While it may be increased by virtue of the amount being stored/used on the site, their smell is not considered to be particularly offensive. Indeed, the Council's specialist ERS officers have raised no concerns with regard to odour, subject to an odour management plan condition.

5.73 Considering the nearest dwelling is approximately 185m away, loss of privacy, overlooking, loss of light, overbearing, overshadowing impacts, light pollution, noise, dust or vibration from the site itself is unlikely to be a concern.

5.74 While vehicular movements would increase in the area, a routing agreement could control this and restrict movements to the A40/South Leigh Road north of the site. There are no dwellings in the immediate area that would be detrimentally affected above the exiting traffic movements in the area.

5.75 Officers are satisfied, for the reasons outlined, that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration.

## **SI06 Matters**

5.76 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure. Policy T2 states that contributions will be sought from new development towards new and/or enhanced highway infrastructure either directly as part of the development or in the form of an appropriate financial contribution.

5.77 OCC seek a financial contribution (amount to be determined) to the A40/B4022 Shores Green junction improvements. OCC also require that the applicant enter into a routing agreement.

5.78 Officers consider that these obligations meet the tests set out in paragraph 57 of NPPF and CIL regulation 122. However, the applicant has not entered into a legal agreement or agreements to secure these obligations. The proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies OS5 and T2.

## **Other Matters**

5.79 Officers are mindful of the recent lightning strike at Cassington anaerobic digestion (AD) facility near Yarnton. However, neither the Local Plan, South Leigh Neighbourhood Plan or the

NPPF make any reference to lightning strikes. Nonetheless, the applicant has noted this concern and has committed to voluntarily designing the digester tanks with effective lightning protection compliant with the BS EN 62305-1 standard for lightning protection.

5.80 The grade II listed Ladymead Cottage is located approximately 185m to the south west of the site. Other grade II listed buildings in the wider area include Eld Cottage, High Cogges Farm and Granary, 20M East Of High Cogges Farmhouse located approximately 480m to the south west and Upper Wayside Cottage/Lower Wayside Cottage located approximately 570m to the south east. These are measured from their nearest points. In South Leigh is the Grade I Listed Church of St James approximately 1.2km southeast.

5.81 The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The development site does not form part of the settings of these listed buildings and while there may be some visibility of the development site from Ladymead Cottage, these views are restricted by the topography, existing vegetation/trees and the separation distance. As such, the proposed development is not considered to be harmful to the settings or significance of these heritage assets.

5.82 Construction will cause some disturbance, but this is temporary and will be controlled by a Construction Management Plan.

5.83 Issues in relation to contaminated land and archaeology could be controlled by condition.

5.84 The site comprises Grade 4 agricultural land which is 'poor quality agricultural land' and is rated as having low likelihood of Best and Most Versatile (BMV) land. As such its loss for agricultural production is acceptable.

5.85 A material consideration for this application is that West Oxfordshire District Council declared a climate and ecological emergency in 2019. Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. The Council are determined to lead by example and put climate considerations at the heart of all its decision-making processes, policies and plans.

5.86 Policy OS3 states 'All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources.' The proposed development, by virtue of its inputs and process does meet the thrust of Policy OS3 and would assist the LPA in meeting its carbon reduction goals.

5.87 Officers are aware that the submission of additional information and entering into a legal agreement may result in refusal reasons 2 (highway safety) and 3 (legal agreement) falling away. Indeed, as explained in this report, a reply from OCC following the submission of additional information is outstanding. As such, their position may change before this application is heard by Members of the Lowlands Area Planning Sub-Committee. Nonetheless, officers consider that

there are fundamental issues with the proposed development. While refusal reason 2 may fall away before committee, and/or refusal reasons 2, and 3 may fall away during an appeal process, refusal reason 1 is likely to remain.

## **Conclusion and Planning Balance**

5.88 The operation of the AD facility would enable local farms to dispose/sell their waste and crops to the facility. This would also produce a fertiliser. Officers consider that the AD facility would be 'Development which will make a positive contribution to farm and country estate diversification'. Also, the proposal is necessary for agricultural production as it produces fertiliser and as the main inputs are crops and farm waste, the proposal would retain the core farm businesses and would add value to other such core farm businesses. The scheme accords with Local Plan Policies OS2 and E2 in that regard.

5.89 The proposed AD facility would accept in the region of 93,000 tonnes per annum of feedstock from local farms and process it to generate biomethane, which would be used to heat homes and fuel vehicles. Enough biomethane would be produced to meet the heating demand of the equivalent of c.9,500 UK homes (based on 12.3MWh/year per household). In comparison with standard UK grid emissions, the biomethane produced by the AD facility would have an equivalent saving of 31,500 tonnes of CO<sub>2</sub>e each year, equivalent to taking 20,200 cars off the road. The solid and liquid digestate would be spread on surrounding farmland in place of artificial fertilisers, thereby reducing the reliance on imported fertiliser. The proposed development, by virtue of its inputs, processes and outputs does meet the thrust of Policy OS3 and EH6. In the context of the declared climate emergency, significant positive weight can be afforded to the proposal.

5.90 Officers note the support offered from Local Plan Policies E2, EH6 and OS2 and South Leigh Neighbourhood Plan Policy SLD6. However, each of these policies caveat this support by requiring development proposals also to meet the relevant criteria.

5.91 For Policy E2, officers consider that the proposed development is not compatible and consistent in scale with the farm/estate operation and a countryside location'. Thus, the scheme conflicts with Policy E2 and significant weight is afforded to this conflict.

5.92 Policy EH6 requires that 'Renewable or low-carbon energy development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment'. The site is within the Wychwood Project Area and the proposal introduces a substantial industrial development that would be viewed from several vantage points in the area, particularly nearby PROWs. The proposal therefore does not conserve the District's high valued landscape and significant weight is afforded to this conflict.

5.93 Policy OS2 contains a number of general principles. Of these, the proposed development is not of a proportionate and appropriate scale to its context; does not form a logical complement to the existing scale and pattern of development and/or the character of the area; is not compatible with adjoining uses; does not protect or enhance the local landscape and the setting



of the settlement/s; does not conserve and enhance the natural, historic and built environment and does involve the loss of an area of open space that makes an important contribution to the character or appearance of the area. Significant weight is afforded to this conflict.

5.94 For Policy SLD6, the development is not in keeping with the scale, form and character of its surroundings and does significantly increase traffic on the rural roads in the Parish. Significant weight is afforded to this conflict.

5.95 The scheme conflicts with Local Plan Policy EH2 as the proposal does not conserve or enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Significant weight is afforded to this conflict.

5.96 The scheme conflicts with Local Plan Policy OS4 and South Leigh NP Policy SLD2 as the proposal does not respect the historic, architectural and landscape character of the locality, and does not contribute to local distinctiveness or enhance the character and quality of the surroundings. Significant weight is afforded to this conflict.

5.97 The scheme also conflicts with Policy EI as the use would be industrial (within the B-use classes). Policy EI identifies sufficient land to meet employment needs however, the development site is not allocated within EI. Therefore, the scheme conflicts with Policy EI in that regard. Moderate weight is afforded to this conflict.

5.98 Conflict is also identified with South Leigh Neighbourhood Plan Policy SLE1 as the proposal does not respect and safeguard the countryside in particular the intrinsic character and beauty of the landscape features within the Parish. Notably harm is found to the rural landscape and visual setting of the Parish's settlements, users of the public rights of way and landscape patterns. Significant weight is afforded to this conflict.

5.99 Conflict is also identified with South Leigh Neighbourhood Plan Policies SLE3 and SLE2 as the proposal would be located within existing and proposed green corridors and does not conserve or enhance the identified corridors to facilitate their multi-functional role, including the movement of people through the landscape, particularly Public Rights of Way.

5.100 The increased movements of HGV's and tractors using the A40, Shores Green Junction and South Leigh Road would affect the free flow of traffic. There are insufficient mitigation measures proposed to mitigate this impact. As such, the proposed development would be detrimental to highway safety contrary to Local Plan Policy T2, South Leigh Neighbourhood Plan Policies SLT1 and SLD6, and the NPPF. Significant weight is afforded to this conflict.

5.101 The applicant has not entered into a legal agreement or agreements to secure contributions to local infrastructure programmes or to secure a routing agreement. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies OS5 and T2 and the National Planning Policy Framework. Moderate weight is afforded to this conflict as this could be overcome.

5.102 In conclusion, the adverse impacts of the proposed development are considered to outweigh the benefits and as such planning permission should be refused.

## 6 CONDITIONS/REASONS FOR REFUSAL

1 The proposed development, by virtue of its use, processes, design, scale, massing, materials, and siting would introduce a significant industrial development into this open countryside location which is not compatible and consistent in scale with the countryside location; does not conserve the District's high valued landscape; is not of a proportionate and appropriate scale to its context; does not form a logical complement to the existing scale and pattern of development and/or the character of the area; is not compatible with adjoining uses; does not protect or enhance the local landscape and the setting of the settlement/s; does not conserve and enhance the natural, historic and built environment and involves the loss of an area of open space that makes an important contribution to the character or appearance of the area. Furthermore, the development is located within existing and proposed green corridors and does not conserve or enhance the identified corridors to facilitate their multi-functional role, including the movement of people through the landscape, particularly Public Rights of Way. The proposed development is contrary to Local Plan Policies E1, E2, OS2, OS4, EH2, and EH6, South Leigh Neighbourhood Plan Policies SLE1, SLE2, SLE3, SLD2 and SLD6, and the National Planning Policy Framework.

2 The increased movements of HGV's and tractors using the A40, Shores Green Junction and South Leigh Road would affect the free flow of traffic. There are insufficient mitigation measures proposed to mitigate this impact. As such, the proposed development would be detrimental to highway safety contrary to Local Plan Policy T2, South Leigh Neighbourhood Plan Policy SLT1 and the NPPF.

3 The applicant has not entered into a legal agreement or agreements to secure contributions to local infrastructure programmes or to secure a routing agreement. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies OS5 and T2 and the National Planning Policy Framework.

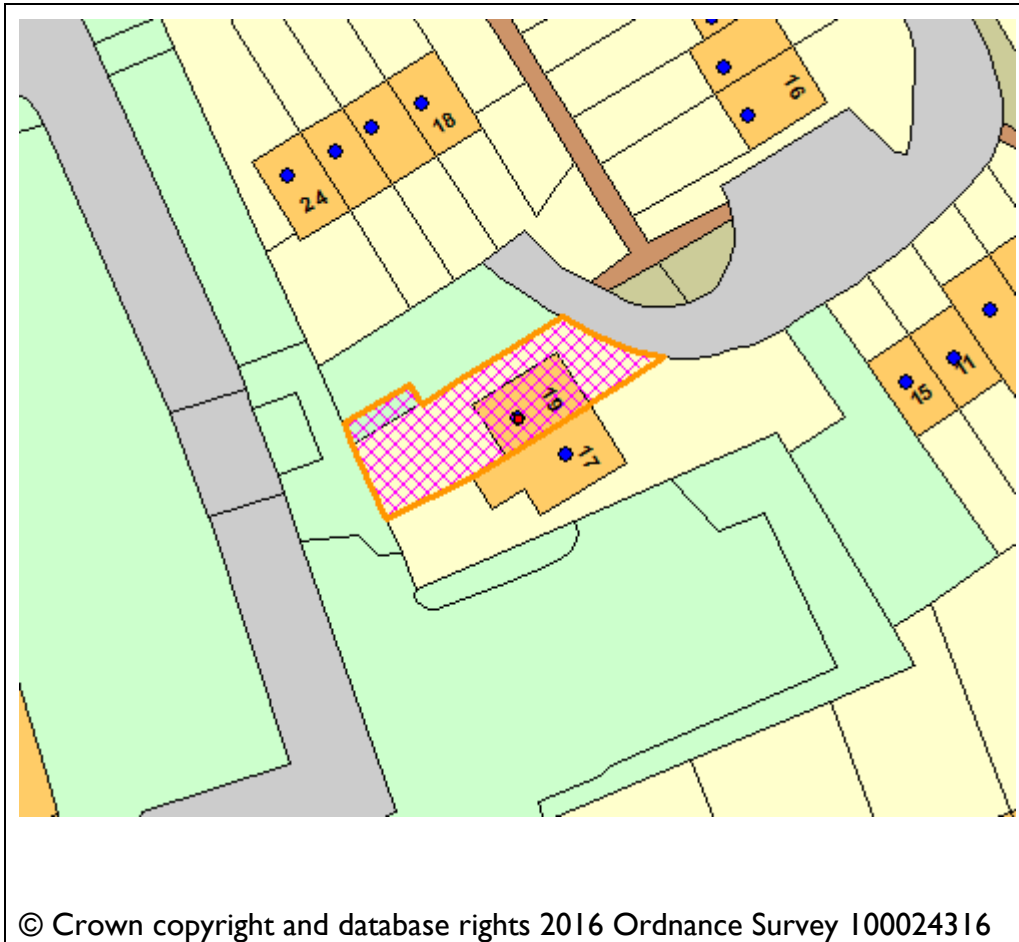
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 26th October 2023

Application Number	23/02217/FUL
Site Address	19 Arlington Close Carterton Oxfordshire OX18 3HH
Date	26 October 2023
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	428236 E 206768 N
Committee Date	6 November 2023

### Location Map



### Application Details:

Proposed garden treatment room.

**Applicant Details:**

Mrs Emma Frost  
19 Arlington Close  
Carterton  
Oxfordshire  
OX18 3HH

**I CONSULTATIONS**

Parish Council	No Comment Received.
Parish Council	25.09.2023 Council objects to the application on the grounds of insufficient parking and Council cannot consider a full response without knowing the proposed opening hours to ensure no impact on adjacent residents. Council requests that the opening hours are confirmed and we are given another opportunity to consider and respond.
Env Health - Lowlands	12.09.2023 Thank you for the opportunity to comment, I have no objection in principal to this application.  Noise and Amenities
OCC Highways	No Comment Received.
Env Health - Lowlands	07.09.2023 Thank you for the opportunity to comment, I have no objection in principal to this application.  Noise and Amenities
OCC Highways	29.09.2023 Customer parking did cause some concern but given the town location with opportunity to walk/cycle I doubt I could demonstrate reason for refusal.  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.

Env Health - Lowlands

25.10.2023

Having looked at the planning statement I have no objection to the additional information.

Parish Council

18.10.2023

Council objects to the application on the grounds of height, that the building is too high and would be obtrusive/imposing to the neighbouring property and is too close to the boundary; that parking space is insufficient; and that the opening hours until 8pm is too late.

## **2 REPRESENTATIONS**

2.1 One letter of objection and one general comment has been received as part of this application. The comments received can be viewed in full on the public access page of the council website. Your officers have summarised the concerns raised below:

Highway impact- Lack of parking spaces. The on-street parking spaces along the house could cause obstructions resulting in people turning on private driveways which could cause damage to private property.

Design and layout- the scale of the treatment room is half that of the host dwelling.

Neighbouring amenity- Concerns it terms of loss of light to neighbouring dwelling and neighbouring garden.

## **3 APPLICANT'S CASE**

3.1 The property owner proposes to construct a garden treatment room in the garden of her dwelling, for use by herself as a sole trader beauty therapist. She will only treat one client at a time, by appointment, between Mondays and Thursdays (not Fridays or weekends) between the hours of 9am and 8pm.

To satisfy the Building Regulations in terms of fire safety, the walls are to be rendered or brickwork to match existing. The flat roof will be covered in a single ply membrane, and the window and door are to be upvc to match the existing house windows and patio doors. There will be internal louvres and blinds to provide privacy to occupants.

The building is positioned 6m from the back of the house, and there is a gap to the boundaries to allow maintenance of the walls and gutters.

## **4 PLANNING POLICIES**

- OS2NEW Locating development in the right places
- OS4NEW High quality design

- E5NEW Local services and community facilities
- EH8 Environmental protection
- T4NEW Parking provision
- EH7 Flood risk
- EH3 Biodiversity and Geodiversity
- NPPF 2023
- 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 a proposed garden treatment room at 19 Arlington Close, Carterton.

5.2 The application site relates to a semi-detached dwelling situated within a residential area in the centre of Carterton. The site is situated at the end of a no-through road, Arlington Close, Carterton. The rear garden backs on to the Asda supermarket car park, with mature hedge screening. The application site does not fall within any areas of special designated control.

5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Town Council.

5.4 The description of development has been amended during the application process, to be in line with what was stated on the application form submitted. The application was re advertised and consultees re consulted following the change in description. Whilst a Planning Statement was submitted as part of this application it had mistakenly been uploaded as sensitive. Officers re uploaded the Planning Statement as public on 29th September 2023. Following the publication of the Planning Statement consultees were re consulted.

### **Relevant Planning History**

5.5 23/00477/FUL- Erection of a detached summerhouse in rear garden to be used as a beauty salon for sole trader.-Withdrawn.

5.6 *The above application was withdrawn following officers concerns with the scale and design of the proposed development and its amenity impacts in terms of overbearing impact and poor outlook for the existing and future occupiers of 19 Arlington Close.*

5.7 22/01580/HHD- Erection of a detached Summer house in rear garden to be used as a beauty salon for sole trader.-Withdrawn.

5.8 *This application was withdrawn as a Ful planning application was required given the change of use.*

## **Proposed Development**

5.9 Proposed is the erection of a single storey treatment room within the outdoor amenity space associated with 19 Arlington Close, Carterton. The proposed treatment room is to be used by the applicant (property owner) for use by herself as a sole trader beauty therapist. The supporting statement provided states that the applicant will only treat one client at a time, by appointment, between Mondays and Thursdays (not Fridays or weekends) between the hours of 9am and 8pm. The clients would mostly access the treatment room through the side gate into the garden.

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

- Principle
- Scale Siting and Design
- Residential Amenity
- Highways
- Other Matters

## **Officers Assessment**

### **Principle**

5.11 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).

5.12 Carterton is considered as a main service centre within the West Oxfordshire Local Plan 2031 (WOLP), and is identified as a location which can support economic growth and supporting services. Policy OS2 states *A significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton.*

5.13 Policy E5 (Local Services and community facilities) categorises Local services and community facilities, these include health and wellbeing services, the proposed beauty treatment room is therefore categorised as a local service. Policy E5 supports the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.

5.14 Paragraph 93 of the NPPF states that decisions should plan positively for the provision of local services to enhance the sustainability of communities and residential environments.

5.15 The proposed treatment room will enable a health and wellbeing service to be provided within a sustainable main service centre location. The principle of the proposed development is therefore supported by policies OS2 and E5 of the WOLP.

5.16 However, your Officers recognise that the character of the application site is residential. The development must comply with policy OS2 and be compatible with adjacent uses and not harm the character of the area. Officers have carefully considered the potential impacts of the proposed use on the existing residential use. While there is a natural level of comings and goings, and vehicle movements that is associated with living in residential areas, your Officers acknowledge that the proposed commercial use may produce patterns of use that may lead to disturbances which are out of character with the existing residential use. As such, your Officers have determined that the proposal is likely to be supportable in principle, subject to compliance with other relevant policies set out in the Local Plan and with careful consideration given to the impact on the character of the area and neighbouring amenity. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies, guidance and legislation in the relevant sections below:

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

5.17 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 Proposed is a single storey mono pitched roof treatment room, which is to be situated within the north western corner of the host dwellings residential curtilage. The proposed treatment room is 4m wide and 4.7m long, it has an eaves height of 2.65m and maximum ridge height of 2.8m. The proposed materials are shiplap cladding to the front elevation and either buff brick to match the host dwelling or render of a colour to match the host dwelling to the remaining elevations. The proposed roofing material is single ply membrane in lead grey to match the tiles of the host dwelling and the proposed windows and doors are UPVC to match that of the host dwelling. The proposed treatment room has a single treatment area and a WC. The proposed north western side elevation will form part of the north western boundary.



5.19 Your officers consider that the proposed treatment room is of an appropriate and proportionate scale reading clearly secondary and subservient to the host dwelling and would not result in an over development of the site. The proposed development would be viewed from within the streetscene, however given the single storey scale of the treatment room and subject to a sample materials condition ensuring the proposed materials would relate well with those used within the immediate locality, your officers do not consider that the development would harm the visual amenity of the streetscene.

5.20 Your officers therefore consider that the proposed scale, design and sitting of the proposed treatment room is supportable, in accordance with policy OS2 and OS4 of the WOLP.

### **Residential Amenity**

5.21 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. In addition policy EH8 states that new development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

5.22 With regard to the impact on neighbouring amenity, this have been carefully assessed and the Environment Officer has been consulted. A neighbour objection and an objection from the Town Council have raised concerns with the loss of natural light into the adjoining neighbours house and garden and that the proposed treatment room would appear imposing and obtrusive to the neighbouring property.

5.23 Officers note the concerns raised by the adjoining property regarding loss of light to their garden and dwelling and the comments received from the Town Council stating that the treatment room would be imposing and obtrusive to the neighbouring property. At its closest point the proposed treatment room is set 70cm away from the boundary shared with the adjoining neighbour, this point is the rear of the treatment room and the furthest away from the rear elevation of the adjoining neighbour. The front of the proposed treatment room is closest to the rear elevation of the adjoining neighbour and measures 1.7m away from the shared boundary. The proposed treatment room will be 1m taller than the existing 1.8m boundary fence. The proposed openings are only to be sited on the front elevation of the proposed treatment room. Your officers are of the opinion that given the siting and scale of the proposed treatment room, the separation distance to the neighbouring property and shared boundary, the siting of proposed openings and the existing 1.8m boundary treatment, that the proposed development would not give rise to levels of harm in terms of neighbouring amenity issues, such as overbearing, loss of light, loss of privacy or overlooking that would warrant the refusal of this application.

5.24 In terms of the impact of the proposed use, your officers note that there are natural levels of comings and goings, and vehicle movements associated with living in residential areas. The proposed commercial use may produce patterns of use which are slightly more intensified and out of character with the existing residential use. However, the scale of the proposed development is modest with just one treatment room proposed. The supporting statement

provided states that the applicant will only treat one client at a time, by appointment, between Mondays and Thursdays (not Fridays or weekends) between the hours of 9am and 8pm. In addition, the proposed use as a beauty treatment room, is not a use which is associated with high levels of noise. Given the scale and nature of the proposed development and the proposed hours of use, your officers do not consider that the proposed commercial use in this residential area would give rise to noise and disturbance issues, which would warrant the refusal of this application. This is supported by the WODC Noise and Amenities Officer who has raised no objections to the development.

5.25 Given the scale of the proposed treatment room and that it is to be sited 5.9m away from the rear elevation of the host dwelling, your officers do not consider that the proposed development would harm the residential amenities of the existing and or future occupiers of the host dwelling.

5.26 Your officers do not consider that the proposed development would give rise to any neighbouring amenity issues which would warrant the refusal of this application. The development is considered to accord with policies OS2, OS4 and EH8 of the WOLP.

## **Highways**

5.27 The application site has one associated car parking space, on the site plans provided the applicant has also shown two on street car parking spaces. The provision of customer parking has been a concern raised by neighbouring properties and the Town Council. OCC Highways have been consulted on the application and whilst customer parking did cause some concern, given the town location of the development with opportunity to walk/cycle, OCC Highways have raised no objections in regards to highways safety and convenience. When conducting their site visit your officers also noted that there were no parking restrictions along Arlington Close. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

## **Other Matters**

5.28 One letter of objection and one general comment has been received as part of this application. Your officers when assessing this application have carefully considered the third party representations. The concerns which were raised by the third parties related to:

Highway impact- Lack of parking spaces. The on street parking spaces along the house could cause obstructions resulting in people turning on private driveways, which could cause damage to private property.

Design and layout - The scale of the treatment room is half that of the host dwelling.

Neighbouring amenity - Concerns it terms of loss of light to neighbouring dwelling and neighbouring garden.

Your officers have addressed the concerns raised within the relevant sections of this report.

5.29 Carterton Town Council Objected to the proposed development raising concerns with the height of the proposed treatment room, that it would be obtrusive/imposing to the neighbouring property, that it is too close to the boundary, that the parking space is insufficient and that the opening hours until 8pm is too late. Your officers have addressed the concerns raised within the relevant sections of this report.

5.30 No material impact with regard to ecology, drainage or other planning matters are identified. The proposed WC is to be connected to the existing foul water drain.

## **Conclusion**

5.31. In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS2, OS4, E5, EH8, T4, EH7 and EH3, the NPPF 2023 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

4 The proposed beauty treatment use shall only be operated for commercial purposes by the occupants of 19 Arlington Close, Carterton and shall not be operated by third party or commercial enterprises.

REASON: The application is approved on the particular circumstances of the case and to be used other than its approved use will require further assessment with regards to amenity and parking.

5 The premises shall not be open for clients outside the hours of:

Monday, Tuesday, Wednesday, Thursday 9AM-8PM.

The premises shall not open for clients on Bank Holidays. A schedule of appointments shall be kept and made available to the Local Planning Authority on request.

REASON: Control is required in the interests of protecting neighbouring amenity.

INFORMATIVES :-

- 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/ay3nzn2/sustainability-standards-checklist-feb-2023-v2.pdf>

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

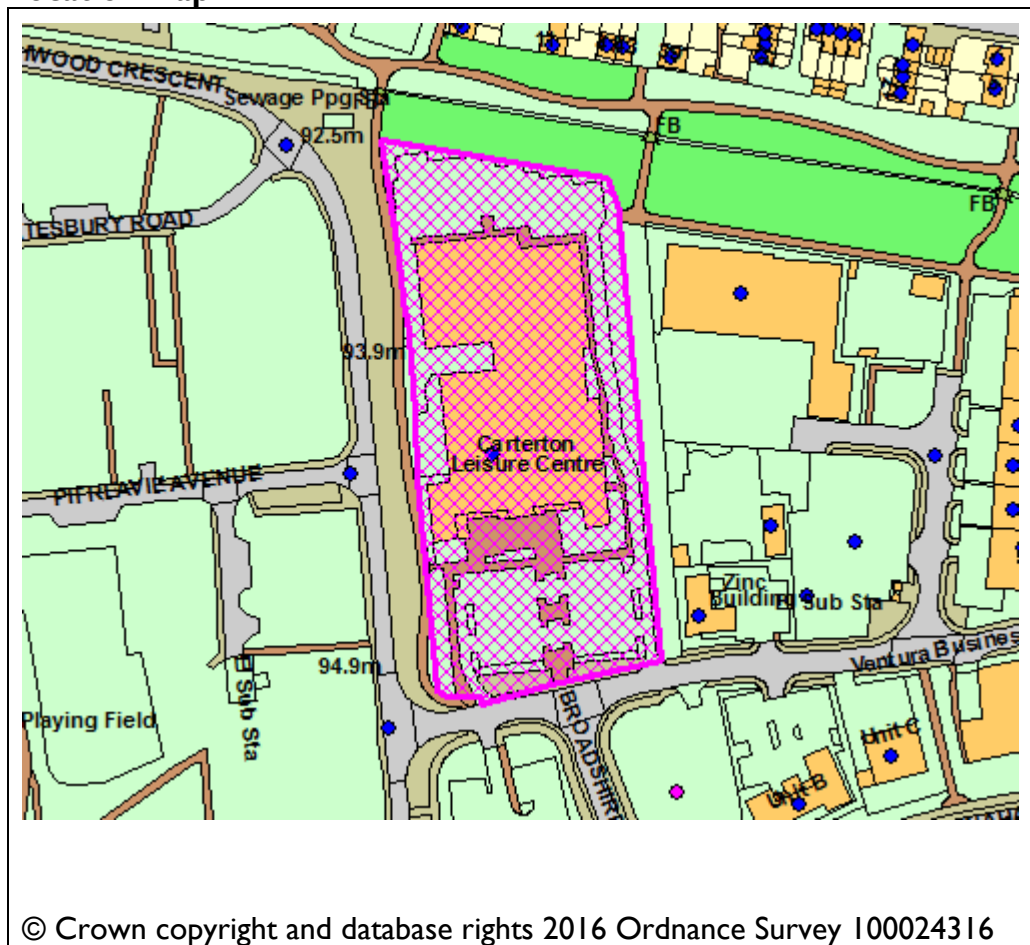
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 26th October 2023

Application Number	23/02420/FUL
Site Address	Carterton Leisure Centre Broadshires Way Carterton, Oxfordshire OX18 1AA
Date	26 October 2023
Officer	Peter Morgan
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	428591 E 207618 N
Committee Date	6 November 2023

### Location Map



### Application Details:

De-carbonisation scheme with the addition of PV panels and plant on the existing roof of the main leisure Centre. New PV car ports in the front car park to all car parking spaces. Creation of 8No. car parking bays. Erection of a timber enclosure around the battery storage and substation.

### **Applicant Details:**

Mr Rob Winfield  
3 Welch Way  
Witney  
Oxford  
Oxfordshire  
OX28 6JH

## **I CONSULTATIONS**

Parish Council	Parish Council made comments in support of the Planning Application
Env Health - Lowlands	Thank you for the opportunity to consult.  I have no objection in principle subject to the following condition:  1. All Illuminations and floodlighting shall comply with the Institution of Lighting Professionals (ILP); Guidance Note for the reduction of obtrusive light GN01/21 (or later versions).
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 Drainage	No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
Climate	No Comment Received.
ERS Air Quality	No Comment Received.
ERS Contamination	No Comment Received.

## **2 REPRESENTATIONS**

2.1 No third party consultee comments received to date.

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

3.1 The submitted Planning Statement provides the following outline:

3.2 This project is a decarbonisation for Carterton Leisure Centre in line with the UK Government Public Sector Decarbonisation Scheme (PSDS) - Phase 3. PSDS has a whole-building approach to decarbonising the leisure centre whilst ensuring the selected low-carbon heating systems and enabling technologies to meet the carbon cost threshold.

3.3 The proposed design and decarbonisation strategy includes replacing gas boilers with air-source heat pumps (ASHPs), installing wet-source heat pumps (WSHPs) for hot water, installing roof-mounted PV as well as car park canopy PV, and replacing the existing air handling units (AHU) with heat recovery and dehumidification AHUs.

3.4 The existing building fabric is not being altered.

3.5 The infrastructure for the potential inclusion of Electric Vehicle charging will be included

3.6 Kier Construction is the Principal Contractor registered with the Considerate Construction Scheme.

3.7 A Site Waste Management Plan will be implemented, including targets for construction waste recycling and disposal.

### **4 PLANNING POLICIES**

- OS1NEW Presumption in favour of sustainable development
- OS2NEW Locating development in the right places
- OS3NEW Prudent use of natural resources
- OS4NEW High quality design
- T1NEW Sustainable transport
- T3NEW Public transport, walking and cycling
- T4NEW Parking provision
- EH6 Decentralised and renewable or low carbon
- WIT1NE East Witney Strategic Development Area (SDA)

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

### **5 PLANNING ASSESSMENT**

#### **BACKGROUND INFORMATION**

5.1 The Oxfordshire County Council (OCC) has set a target to achieve net-zero carbon emissions by 2030. In order to achieve this, they have published the Climate Action Framework (2020), which outlines the necessary steps to reduce carbon emissions.

5.2 The Carbon Management Plan for 2022-2025 explains how they plan to reduce carbon emissions from various sources such as buildings, highway assets (including street lighting, traffic signals, and signage), the fleet, and staff travel and outlines a decarbonisation strategy.

5.3 Regarding buildings, the decarbonisation strategy outlines important principles, including retrofitting OCC properties with low carbon measures. An energy audit and condition survey of the building identified all available measures. It determined which measure would be the most viable to secure external funding to implement the approved schemes. The proposal aligns with the decarbonisation strategy and includes various low-carbon technologies and measures that reduce the building's carbon footprint.

5.4 The application is before Members of the Lowlands Area Planning Sub Committee as the Applicant is West Oxfordshire District Council.

### **Relevant Planning History**

18/00254/FUL - Alterations and extensions to existing leisure centre, creation of new parking - Approve

19/02308/NMA - Non material amendment to 18/00254/FUL to allow a new entrance to the rear of the play park facility which fronts onto the approved plan rear car park. Additional minor amendments looks at omission of the squash court facilities in lieu for larger studio and spinning studio, new meeting / party room and also minor amendments made internally to the fitness suite - Approve

W96/1649 - Residential and employment development including shopping, primary school and community facilities; access roads, footpaths and cycleways; open space including playing field and country park, new A40 carterton link road (land use schedule and traffic impact assessment, contributions to infrastructure provision) - Withdrawn

W97/0843 - Residential & employment development, including shopping, primary school & community facilities access roads, footpaths and cycleways; open space including playing field & country park, new A40 carterton link road. Approve

03/2092/P/FP - Variation of planning condition 28 of planning permission w97/0843 to state that no more than 1190 dwellings shall be occupied until the shilton road link has been constructed up to the west boundary of the site - Application Withdrawn

05/0408/P/S73 Variation of condition 28 of planning permission w97/0843 to state that the shilton link road shall be constructed up to the western boundary of the site by no later than 1st april 2007 - APPCON

W2001/1406 Erection of a leisure centre incorporating two swimming pools, gymnastics hall; squash courts; fitness studio; multi-use space; social area & changing facilities, together with associated parking & landscaping - Approve



W95/0087 - Residential & employment development including shopping, primary school & community facilities, access roads, footpaths & cycleways, open space including playing field and country park, new A40 carterton link road - Application Withdrawn

06/0514/P/S73 - Non compliance of condition I of planning permission w97/0843 to allow the application for approval of reserved matters to be made to the local authority before the expiration of ten years from 30th of September 1998 - APPCON

5.5 Taking into account planning policy, other material considerations, Your Officers are of the opinion that the key considerations of the application are:

- Principle of Development
- Design and Scale and Visual Impact
- Highways impacts

## **PRINCIPLE OF DEVELOPMENT**

5.6 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.

5.7 Policy E5 seeks to protect and retain local services and community Facilities. The policy states that "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." Policy EH6 outlines the Local Plan's objectives for decentralized, low-carbon energy development, with the exception of wind turbines. In line with the principle of developing renewable energy, policy EH6 requires that renewable energy developments should be sited and planned in a way that minimizes any negative impacts, with a special emphasis on preserving the district's historically significant environment and landscape. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities must be considered and satisfactorily addressed.

5.8 Policy OS2 also provides general principles that all development is required to meet, including, inter alia, that development be of a proportionate and appropriate scale to its context and form a logical complement to the existing scale and pattern of development and the area's character; be compatible with adjoining uses without harming the amenity of existing occupants, and, provide safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.

5.9 The proposed development aligns with the objectives outlined in policy EH6 and OS of the Local Plan, which supports the use of renewable or low-carbon energy sources and battery energy storage facilities to facilitate the implementation of sustainable and low-carbon measures.

Subject to compliance with other policies of the Local Plan, the principle of development is considered to be acceptable.

## **Design and Scale and Visual Impact**

5.10 The application site is broadly rectangular in shape and takes its access from Broadshires Way close to its junction with Northwood Crescent. To the west of the application site is Northwood Crescent, as well as footpaths and cycleways running north/south and linking with Upavon Way. To the north and west are the residential sectors of the North East Carterton Development Area, which is separated by a watercourse and deep belts of structural landscaping. The area to the immediate east of the site has been developed for employment uses and includes the Venture Business Park.

5.11 The Carterton Leisure Centre fronts onto Broadshires Way and is set back within the site behind surface-level parking to the front. The building is divided into two phases of development. The original building comprises several large interlocking volumes, featuring steep sloping roof forms and low eaves towards the front and side elevations. The more recent extension buildings are taller and consist of a pair of large box-like buildings, each measuring 12.5m in height. Additional parking is situated at the rear of the site.

5.12 Earlier phases of the leisure centre development involved the installation of photovoltaic solar panels. The current installation is visible on the sloping roofs of the original building on the eastern and western sides. The larger installation can be seen from Northwood Crescent, located west of the site.

5.13 The development proposal the subject of this application, involves the installation of air-source and wet-source heat pumps on the flat roof section of the original building. Additionally, photovoltaic arrays are to be installed to cover the entire leisure centre's roof. The arrays will cover an area of 149m<sup>2</sup> on the pitched roof at the front and side of the building, 141m<sup>2</sup> on the flat roof section adjacent to the proposed heat pumps, and 900m<sup>2</sup> on the extension building located at the rear of the site.

5.14 The proposal would also include carports with photovoltaic canopies over all the car parking spaces located in front of the building. Additionally, a timber enclosure will surround the battery storage and substation located adjacent to the entrance to the building.

5.15 The proposed development will create 8 further car parking spaces along the eastern side of the building.

5.16 With regard to the visual impact, Policy EH6 requires that "In assessing proposals, the following local issues will need to be considered and satisfactorily addressed:

- impacts on landscape, biodiversity, historic environment, agricultural land, residential amenity, aviation activities, highway safety and fuel/energy security, including their cumulative and visual impacts; "

5.17 Paragraph 158 of the Framework states the following, "When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable."

5.18 The mid-section of the original building and the extension building comprise flat roofs with a 1.5m high parapet wall along the edge of the roof. It is considered that the parapet will provide effective screening for the bulk of the proposed photovoltaic panels from views from within the surrounding streets. However, the air-source heat pump (ASHP) would protrude above the parapet wall by approximately 1.3m and will be visible to views from the east of the site, from within the employment area.

5.19 The PV panels installed on the front of the building, along with the carport canopies, will be visible from Broadshire Way in the south and Northwood Crescent in the west. Additionally, the timber enclosure adjacent to the leisure centre entrance will also be visible from the south. The proposed carports consist of sloping canopies ranging from 2.6m to 3.1m in height.

5.20 The proposed development is expected to have the greatest visual impact when viewed from the south on Broadshire Way. The carports, as well as the PV panels on the front elevation of the building, and the timber enclosure will be visible from this vantage point. As a result of the proposed development, the appearance of the site and the existing building will be altered.

5.21 The site does not lie within a protected landscape or an area with any special designation, and there are no heritage assets located nearby. The site is situated within the built-up area of Carterton, which is characteristically urban. The Carterton Leisure Centre is located close to industrial units on the east of the site and the Broadshire Health Centre on the south of the Broadshire Way. The leisure centre has a modern design that blends well with its surroundings. The area is therefore considered to be visually appropriate, and the leisure centre's setting, robust and well-suited to the scale and nature of the development proposal.

5.22 The NPPF requires that a planning application be approved if its impacts are acceptable or can be made acceptable. The proposed development is not visible from the north of the application site. The front of the building features a dual-pitched roof with a west facing slope on which PV panels will be installed. These panels will be visible from Northwood Crescent which lies west of the building. However, the existing installation is already visible from the west, and the proposed PV panels will be viewed within the context of the existing installation.

5.23 The main entrance of the building comprises a dual-pitch roof with one slope facing east and a mono-pitched roof also facing east. The PV panels placed on these slopes, along with the 1.3m air source heat pump (ASHP), would be visible from the east of the site. However, since the building is set back from the carriageway, the panels and ASHP would be visible only from a neighbouring industrial premise during working hours. The visual impact from the east of the site would be limited and very localised.

5.24 The proposed carport canopies serve a dual purpose by providing cover for parked vehicles as well as a site for the photovoltaic installation. However, regarding their visual impact, it is more likely that their function as cover would be the primary consideration rather than the photovoltaic array. The addition of carports will likely enhance the modern look of the building and wider vicinity. The industrial/commercial appearance of the site is suitable for the proposed development. The PV panels are naturally black and match the colour of the leisure centre roof. It is considered that the PV array would blend well with the existing roof and appear as roofing material when viewed from the street. The proposed timber enclosure will have a softening effect and contrast the appearance of the existing building.

5.25 Overall, the impact of development on the appearance of the building and area is considered acceptable, given that it is of an appropriate scale and design. As such, it is considered that the proposed development would accord with policies OS2, OS4 and EH6 of the Local Plan and paragraph 158 of the NPPF.

## **Other Matters**

### *Impact on the Highways and Landscaping*

5.26 The proposed development will create 8no. additional car parking spaces along the eastern side of the site, which will result in some loss of an amenity planting bed. The applicant has agreed to compensatory planting along the front of the site within the existing planting beds that have been poorly maintained and are now unsightly. A suitable landscaping scheme will be secured by condition and provide additional screening.

5.27 The Highways Authority consider that the proposal, if permitted, will have no significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network and raise no objection to the proposal.

### *Impact on drainage*

5.28 Subject to appropriate conditions to secure the surface water drainage scheme, the drainage enforcement Officer raises no objection.

## **Conclusion**

5.29 The application proposal would accord with the objectives of policy EH6 of the Local Plan, and paragraph 158 of the NPPF is clear that planning permission should be approved if the impacts of development are or can be made acceptable. It is considered that the development would accord with policies OS2, OS4, E5, EH6 of the West Oxfordshire Local Plan (2011-2031), the West Oxfordshire Design Guide and the relevant provisions within the NPPF. Therefore, taking all of the above into consideration, it is officer opinion that the impacts on the visual amenity are very limited and would not outweigh the demonstrably benefit of the significant reduction in the carbon emissions of Carterton Leisure Centre. As such, planning permission should be granted.

## **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 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

5 All Illuminations and floodlighting shall comply with the Institution of Lighting Professionals (ILP); Guidance Note for the reduction of obtrusive light GN01/21 (or later versions).

REASON: In the interest of the amenity of the area and to protect biodiversity.

6 Before the commencement of any site works or operations, an arboricultural method statement to ensure the satisfactory protection during the construction period of existing trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

I. A specification for the pruning of retained trees to prevent accidental damage by construction activities;

II. A specification of the location, materials and means of construction of temporary protective barriers and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 (2012): "Trees in Relation to Construction", and details of the timing and duration of its erection;

III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;

IV. The means of demolition of any existing structures and of re-instatement of the land they occupy;

V. A specification for the routeing and means of installation of drainage or other underground services in the vicinity of retained trees;

VI. Details and the method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;

VII. Details of the materials and method of construction of the roadway, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12: "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway;

VIII. Provision for the supervision of any works within the root protection areas of trees to be retained and for the monitoring of continuing compliance with the specified protective measures, by an appropriately qualified arboricultural consultant.

The development shall be carried out wholly in accordance with the approved arboricultural method statement.

**REASON:** To ensure the continuity of amenity afforded by existing trees.

7 Prior to any development above slab level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

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

## INFORMATIVES :-

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

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**Date:** 26th October 2023