

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 16th March 2020**

### REPORT OF THE BUSINESS MANAGER – DEVELOPMENT MANAGEMENT



**Purpose:**

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

**Recommendations:**

To determine the applications in accordance with the recommendations of the 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***

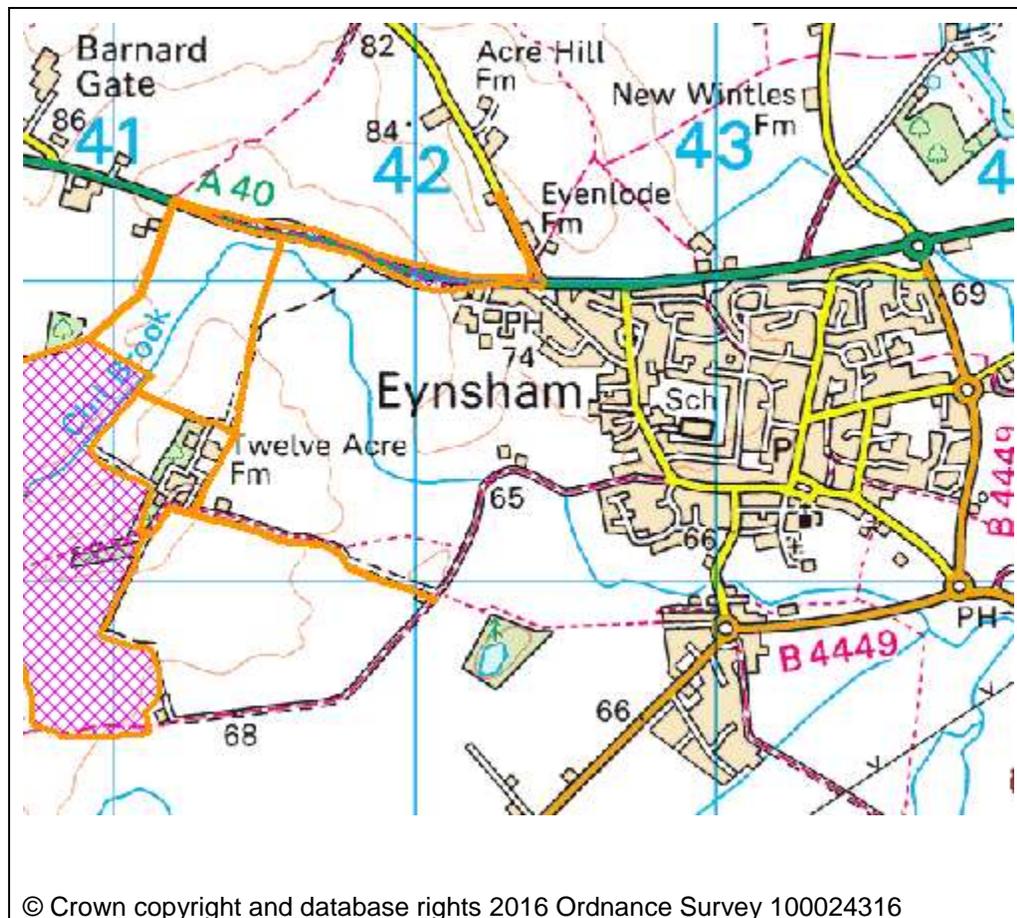
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that 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>Application Number</b> | <b>Address</b>   | <b>Page</b> |
|---------------------------|--|-------------|
| 19/02516/FUL              | <a href="#"><u>Twelve Acre Farm, Chilbridge Road, Eynsham</u></a>    | 3           |
| 19/02591/HHD              | <a href="#"><u>Razzi House, 31 Moorland Close, Witney</u></a>        | 27          |
| 19/02809/FUL              | <a href="#"><u>Land South of Milestone Road, Carterton</u></a>       | 32          |
| 19/02914/S73              | <a href="#"><u>Morrisons, 20 Black Bourton Road, Carterton</u></a>   | 50          |
| 19/03403/FUL              | <a href="#"><u>Land South of Elmside, Greenacres Lane, Aston</u></a> | 54          |
| 20/00016/HHD              | <a href="#"><u>50 Richens Drive, Carterton</u></a>                   | 61          |
| 20/00099/HHD              | <a href="#"><u>8 Gloucester Place, Witney</u></a>                    | 66          |
| 20/00195/HHD              | <a href="#"><u>34 Woodford Mill, Mill Street, Witney</u></a>         | 70          |

|                         |   |
|-------------------------|---|
| Application Number      | 19/02516/FUL  |
| Site Address            | Twelve Acre Farm<br>Chilbridge Road<br>Eynsham<br>Oxfordshire<br>OX29 4BH |
| Date                    | 4th March 2020  |
| Officer                 | Joan Desmond  |
| Officer Recommendations | Approve   |
| Parish                  | Eynsham Parish Council  |
| Grid Reference          | 441242 E 209314 N   |
| Committee Date          | 16th March 2020   |

### Location Map



### Application Details:

The construction and operation of a solar photovoltaic farm, and other associated infrastructure.

### Applicant Details:

Mr Mike Rutgers, 13 Berkley Street, London, W1J 8DU

## I CONSULTATIONS

- I.1 Adjacent Parish Council
- In principle, South Leigh Parish Council are supportive of green energy proposals but we do have concerns here - particularly over the visual impact aspects of the development. We feel that this proposal will negatively impact the local environment and landscape setting particularly due to the height of the site and the low level land in between the site and the easterly part of our Parish.
- We recognise that the site itself lies in a neighbouring parish but this development will greatly affect our parish. Our neighbourhood Plan (Policy SLE1) explicitly sets out that one of its key aims is to protect the rural environment, and its views for the enjoyment of all - residents and visitors alike. In particular we are concerned about the impact on quiet recreational use and enjoyment of the footpaths and roadways that will look over the site. Indeed, the existing Right of Way (part of the Circular Path from South Leigh to Eynsham) runs through the centre of the site and this development will affect enjoyment of this popular and well used rural amenity.
- However, we have had several meetings with the developer, Low Carbon, who have now agreed to improve the screening of the site through increased planting. They are in the process of creating new documentation reflecting this and, I believe, have asked for an extension to the comment deadline from yourselves. We expect to receive this further documentation by the middle of next week.
- South Leigh Parish Council believes that strict following of the improved planting schemes will offer sufficient mitigation to ameliorate the worst of the impact of the development and on that basis we would have no objections to the plans being given approval. At our meeting Low Carbon did suggest that South Leigh Parish might like to pursue a claim for various 'community benefit' monies. We would like to do that to mitigate further the impact of the development on the local environment.
- As this development affects an amenity of the parish, we would like the following schemes to be supported which are for the good of our community.
- Repair and improvement to our village hall including the payment of the outstanding loan from West Oxfordshire District Council of £40,000 - Total £50,000.
- Provision of solar powered speed monitoring and speeding prevention units throughout the village to enable residents safely to enjoy their surroundings where no footpaths are available Total £20,000.
- Repair and improvement to parish church £20,000
- Provision of new bus shelter at shaws green £5,000
- I.2 Parish Council
- Eynsham Parish Council is supportive of green energy principles, however we wish to draw the following concerns to your attention for consideration:-
- Visual Impact
1. The proposal will negatively impact on the environment and

landscape setting due to the land at the site rising to 84m above sea level - the village is 14m lower.

2. The existing Public Right of Way (206/18/10) across the site will be negatively impacted by the installation of obtrusive fencing.

Consideration will be required to s.44 (h) of 'Oxfordshire County Council's Position Statement - Major Development Proposals for Ground-mounted Solar PV Arrays I.' (Further section numbers are referred to in this letter).

Access Route

3. Access to the site is proposed via Witney Road and down Chilbridge Road (206/18/10). We note that Oxfordshire County Council's Countryside Access Team will be consulted in order for the appropriate permissions to be obtained and consideration given to the Construction Traffic Management Plan (s.43 (h) refers).

Furthermore, we note it will be the applicant's, the contractor's or the occupier's responsibility to put right/make good any vehicular damage to the surface of the right of way (s.44 (c) refers).

4. The Public Right of Way 206/18/10 crosses the Grade II listed Chilbridge which the Council consider is unsuitable for HGVs.

Access Precedent

5. The Council consider the application will set an unwanted precedent for future construction companies and developers wishing to access the West Eynsham SDA. Consideration will need to be given to Traffic Regulation Order 1983 which prohibits HGVs from accessing Witney Road (and other Eynsham roads).

Agricultural Land Quality

6. In accordance with WOLP 2031 Policy EH6, compelling evidence is needed to support using this Grade 3 Good to Moderate Quality (part) Agricultural land over poorer quality land.

If the Local Planning Authority is minded to approve the application, Eynsham Parish Council request the following:-

7. The applicant must fulfil all commitments made in the application documents.

8. A condition is agreed that requires the applicant is to undertake a Condition Survey of the Chilbridge prior to any construction vehicles accessing the site. Following the construction phase of the Solar Farm, a further Condition Survey should be undertaken to highlight any required remediation work to the structure and this should be undertaken by the applicant within an agreed timescale. Reason - In order to protect and preserve the existing condition of the Chilbridge.

9. In view of the extensive community use of the Public Right of Way (206/18/10 Chilbridge Road) which provides access to the countryside and Witney Road for Bartholomew School pupils, the Construction Traffic Management Plan should permit access only:-

During school holidays - Monday - Friday 08.00 - 18.00

During school term time - Monday - Friday 09.30 - 14.30

Reason - To promote and protect safe pedestrian access to Bartholomew School and to the countryside.

10. Eynsham Parish Council Committees have identified and costed

(approx.) priorities for the benefit of the community and request S106 funds as follows:-

(a) Funding towards our Bartholomew Room Refurbishment Project which the surveyor anticipates will cost £100,000 approx. The Bartholomew Room is the Council's Grade II Listed building in the centre of Eynsham which is used by the community and Council for meetings and art exhibitions.

(b) Since the application has an impact on one of Eynsham's favourite walking routes, funding is requested to help improve the Fishponds where another Public Right of Way (206/3/10) is widely used. Funding towards any of the identified improvement work below would be appreciated:-

a) 300m drystone replacement wall 25000

b) Replacement boardwalk and bridge with UPVC alternative 25000

c) 100m Flow-out channel to be widened and puddled with clay to improve flow 20000

d) Re-create sluice gate 5000

I.3 Thames Valley Police  
Licensing Office

I am pleased to see that a security fence is proposed to protect the installations. This is appropriate, given the size of the proposed site that it could become a high value target for precious metal theft etc. I recommend that it is at least 2.1m high, complies with the requirements of LPSI 175, Issue 8, B3, and that the applicants also incorporate a monitored perimeter intruder protection system (PIDS).

The authority may wish to condition that the development achieves the physical security standards recommended.

I.4 Adjacent Parish Council

Firstly thank you for including point 1.5 reducing the coverage of panels on higher ground etc and increasing the woodland and scrub cover. These are important things to our parish. As you no doubt aware we are a small parish with not a lot of experience in these matters and I now wish we had requested something similar in our original submission.

On this point, and several others as mentioned in your conclusion (5.42) and final recommendation (6) there seems to be an awful lot of very important information/agreements still to be provided to the extent that I would like to humbly suggest that the final decision is deferred to the March meeting when all the reports will be available giving committee members the time to consider them in detail and make fully informed and considered decision.

Again as mentioned in 1.5 it is a requirement that the applicants provides extra of woodland and scrub throughout the site. The applicant also states in 5.17 that they have improved in tree planting scheme along the western and southern boundaries. Are there any details of exactly how this is going to be achieved? I feel there needs such a plan ensure any promises are kept to.

Although we agree that the access off the A40 is a much better idea I'm not clear whether this will remain the permanent access or will be returned to farmland after the construction phase is finished. Will it become a new permanent access thus encouraging further development in the surrounding fields?

I have no experience of battery storage but are there any statutory requirements to ensure the safety of such batteries and should this not be included in any planning application.

Finally could I ask that a new location map is provided to the committee that shows the whole proposed site and its connection not only to Eynsham but also to South Leigh and shows the full extent of public right of way. Could it also show the access road to the A40.

#### I.5 Parish Council

Additional comments in view of consultee responses received - 5 February 2020

11. OCC Transport Schedule - 31 December 2019 - "A construction access from the A40 is considered acceptable if movements are restricted to left-in and left-out only." Eynsham Parish Council is concerned that this condition will not be enforced and therefore highway users' safety could be compromised by vehicles attempting to manoeuvre against the flow of traffic. It is therefore recommended that a physical mechanism/barrier is installed at the junction to inhibit unauthorised vehicle movements.

12. OCC Transport Schedule - 31 December 2019 - "All vehicles will have the opportunity to change direction on the A40 either at the Eynsham roundabout (to the east) or at the Shores Green interchange (to the west). Vehicles must be barred from turning at Barnard Gate because there is no ghosted right-turn filter lane, so HGVs in particular would cause an obstruction if they were waiting to turn right off the A40 here. Vehicles must also be advised not to attempt to use the adjacent laybys to change direction." Owing to recent experiences, the Council is concerned that these conditions will not be enforced, however appropriate they might be. It is recommended that those accessing the A40/the site be reminded of the CTMP by way of directional or instructional signage.

13. Thames Valley Police - 1 November 2019 - It is noted that there is a substantial volume of security fencing around the various array areas. Whilst Thames Valley Police recommend this is installed at a minimum height of 2.1m, it should be noted that the fencing will further negatively impact this rural area.

14. Biodiversity Officer - 3 February 2020 - In consideration of the protected species already identified at the site, it is recommended that all reports requested by Esther Frizell-Armitage, Assistant Biodiversity Officer are submitted to the District Council before the application is determined to allow members to be fully informed of the impact to nature.

Other comments

15. Eynsham Parish Council has not been provided with the proposed

legal agreement before the Lowlands Area Sub-Planning Committee meeting and is therefore unable to comment on it.

16. Eynsham Parish Council wish to make it clear that it only requests the District Council to consider its S106 funding request (as detailed overleaf) on its behalf and not the 'community benefit/ownership model' for various reasons.

I.6 Major Planning Applications Team

Highways - No objection subject to:  
- An obligation to enter into a S278 agreement as detailed below.  
- Construction Traffic Management Plan Condition.

Key points

A construction access from the A40 is considered acceptable if movements are restricted to left-in and left-out only  
The modified Public Right of Way arrangement is welcomed.

LLFA - No objection subject to drainage conditions.

County Archaeological Officer - No objection subject to conditions.

I.7 WODC Landscape And Forestry Officer

Should aim to reduce coverage of panels on higher ground. Need to explore lower lying ground on surrounding areas. Prioritise increase in woodland and scrub cover for visual mitigation purposes - both from further afield and footpath users.

I.8 Biodiversity Officer

I have no objections to the proposed development subject to ecology conditions being attached to any planning permission granted.

I.9 Conservation Officer

No Comment Received.

I.10 Major Planning Applications Team

Highways - No objection subject to a condition requiring the submission and approval of a Construction Traffic Management Plan.

LLFA - Objection

Key issues:

Evidence required from Environment Agency of consent to develop in Flood Zones 2 and 3.

I.11 WODC Landscape And Forestry Officer

No Comment Received.

I.12 Biodiversity Officer

No Comment Received.

I.13 ERS Env. Consultation Sites

Thank you for consulting our team. I have reviewed the application in relation to potential risk posed to human health from contaminated land. Review of our records indicate there may be a small area of filled ground within the development site. Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying

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

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

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

- |      |                                  |                      |
|------|----------------------------------|----------------------|
| 1.14 | Adjacent Parish Council          | No Comment Received. |
| 1.15 | Major Planning Applications Team | No Comment Received. |
| 1.16 | MOD MOD (Brize Norton)           | No Comment Received. |
| 1.17 | Biodiversity Officer             | No Comment Received. |

## **2 REPRESENTATIONS**

2.1 7 letters have been received objecting to the application on the following grounds:

- The proposed development will encompass a public right of way and ruin it.
- Harmful from views across the valley and from the east (Eynsham).
- Development should be kept away from the public footpaths so people can still enjoy these beautiful walks.
- Proposed access during the construction phase via Chilbridge Road is not acceptable. The road is in very poor condition up to the boundary with the access to 12 acre farm. The road is a very popular bridle way and is a significant recreation resource to walkers, runners, cyclists and families.
- The solar panels and the batteries, inverters, substations etc will impose artificial structures on a natural landscape. They will be visually unattractive and visible on rising ground
- Will reduce areas for wildlife to thrive
- Unwanted precedent for future construction companies and developers to access west of the village
- Brownfield sites should be considered

2.2 One objector has requested that their objection is changed to comments as follows:

There is a 75 metre contour running through the site with land mostly to the east that is higher and if there were panels only on land lower than that 75 metre contour then some of my concerns would be addressed since the panels would be less visible from afar.

### 2.3 Letter of support from Green TEA (Transition Eynsham Area) Energy Group:

- In principle GreenTEA supports renewable energy generation as an essential part of decarbonisation. Given the scale of development generally in our area, we would expect that a scheme as large as this (67MW) would deliver benefits to the local area and, in time, complement other projects such as Project LEO and the emerging Eynsham Energy Plan.
- The intention is to reach an agreement for an option for the Low Carbon Hub to purchase the solar farm, if consented, as a community asset. This would bring a range of benefits to the community throughout the operation of the farm. If the sale does not proceed, Low Carbon Ltd have suggested a fall back of a relatively small one-off donation to the local community. We assume that benefits to host communities would be a material consideration.
- We understand that the application site does not contain 'best and most versatile agricultural land,' being grade 4 with a small amount of grade 3 land; and that food will still be produced by raising sheep.
- The LDA's 2016 Renewable Energy And Low Carbon Energy Assessment And Strategy for West Oxfordshire identifies the Eynsham Vale area as being 'more suitable'.
- The site is currently under 'traditional' intensive agriculture including some large open fields with no trees or hedgerows. There is significant potential to improve biodiversity as well as improving carbon sequestration by introducing new trees, hedgerows and grazed pasture with wildflower rich areas. There is also the opportunity to create habitats for endangered ground nesting birds, such as the skylark,
- The land is elevated and there were concerns about visibility. However there was also a view that planting of groups of trees, small copses and low, discontinuous hedgerows would be preferable to the tall continuous hedges illustrated in the supporting documents. The group felt that planting which completely obscured long views from footpaths was not welcome.
- The environmental benefits of renewable energy outweigh any minor local adverse impacts and community involvement would increase these benefits greatly. Given the existential threat of Climate Change, and the declaration of a Climate Emergency by the
- District and County Councils and central Government, the overall benefits of the proposal are even greater.

### 2.4 4 letters of support:

- Will not see the solar panels as the site is over the brow of the hill not facing the village.
- The community would benefit from it in the region. The battery storage is an essential part of this solar farm.
- With a greater dependency on electricity and becoming carbon neutral, this solar project is another way for us to help achieve this goal.
- It will protect the environment and the land will return to agricultural use at the end.
- Development will be mitigated. In addition the grass & wildflowers will help to assist our pollinators which are in serious decline.
- This would be a silent neighbour in the countryside which will reap benefits for us all without any noise or pollution.
- HGVs and farm vehicles already use this road and increased traffic even during the construction period would hardly result in anyone encountering a convoy of vehicles whilst using it. The bends and narrowness of the road force drivers to take extra care.

2.5 Councillor Levy has objected to the application on the following grounds:

- Loss of amenities
- Harmful visual impact
- Use of Chilbridge Road for the construction phase is unacceptable and would be dangerous
- Risk to listed bridge from HGV traffic
- Financial risk to WODC when site is decommissioned

### **3 APPLICANTS CASE**

3.1 Several supporting documents were submitted with the application and are available to view online. The supporting letter and Planning, Design and Access Statement advise that:

3.2 It is estimated that the solar panels would generate up to 31.9 MW peak, enough to power approximately 9,900 homes. The battery storage system (up to 18 megawatts in total) would charge at times of low demand and export power back onto the electricity grid at times of high demand or when solar irradiation is low. The Proposed Development benefits from an agreed point of connection to an existing electricity substation on Cuckoo Lane.

3.3 The principle of renewable energy, such as solar power, is supported by local and national planning policy. It is also notable that the UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050.

3.4 The Proposed Development complies with planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts, and there are a number of added benefits, including habitat creation.

3.5 These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH9 Historic environment

EH11 Listed Buildings

NPPF 2019

EH16 Non designated heritage assets

ENP5 Eynsham Neighbourhood Plan

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

## 5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission for the construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. Planning permission is being sought to operate the proposed development for 40 years, at which point it would be decommissioned and the land returned to its previous state. The site includes a cable route from the main solar farm site to an existing substation on Cuckoo Lane.
- 5.2 The proposed site comprises approximately 63.4 hectares of land, primarily at Twelve Acre Farm located to the west of the village of Eynsham. The farm house at Twelve Acre Farm is Grade II listed. The Chil Brook runs through the site from east to west and a public right of way (206/18/10) runs from Chilbridge Road running east to west towards South Leigh. A public right of way (206/19/10) also runs along the southern boundary of the site. There is a plantation woodland belt in the southern portion of the Site.
- 5.3 The application has been submitted following pre-application advice and a screening request, which concluded that an Environmental Impact Assessment was not required.
- 5.4 The application was deferred for a Members site visit at the February meeting which will take place on the 12th March 2020. Members also requested clarification in respect of ecology, landscape and visual, and construction access. These issues are dealt with in the relevant sections below and in the update section at the end of the report.
- 5.5 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

Use of agricultural land

Impact on the Landscape Character/Visual Amenities of the area

Impact of heritage assets

Highway Issues

Flooding and Drainage

Biodiversity

### Principle

- 5.6 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.
- 5.7 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', supports the principle of renewable energy developments. It goes on to state that such 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. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for

environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). This latter document will be referred to in more detail below. Policy ENP5 of the Eynsham Neighbourhood Plan, made in February 2020, also supports proposals that help meet the intentions of the Climate Change Act 2008 including opportunities for the use of renewable and low carbon forms of energy and ENPI4 on sustainability growth.

- 5.8 The NPPF supports proposals for renewable and low carbon energy. Paragraph 154 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
- 5.9 It is estimated that the solar panels would generate up to 31.9 MW peak, enough to power approximately 9,900 homes. The battery storage system (up to 18 megawatts in total) would charge at times of low demand and export power back onto the electricity grid at times of high demand or when solar irradiation is low. The panels would be erected for a period of 40 years and would represent a contribution to the UK's renewable energy targets.
- 5.10 These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things.

#### Use of Agricultural Land

- 5.11 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.
- 5.12 The majority of the agricultural land within the site is Agricultural Land Classification Grade 4 (Poor Quality), although a section through the middle is Grade 3 (Good to Moderate Quality). The applicant advises, however, that the site consists of several individual fields, none of which are wholly Grade 3 and is not farmed separately to the Grade 4 land. Therefore, due to the prevalence of Grade 4 land across the Site, the land is broadly farmed to reflect this lower grade status.
- 5.13 Alternative sites have been considered but the report concludes that none of the short-listed sites comprise a more feasible alternative to the proposed site which is immediately available to the Applicant for the development of a solar farm; benefits from an agreed grid connection in close proximity (approximately 1.2 km to the north east); both the site shape and topography

are suitable; the solar panels and other infrastructure would be located in Flood Zone 1 and the site is predominantly Grade 4 agricultural land.

- 5.14 In conclusion, there are considered to be no available or suitable brownfield sites or areas of lower quality agricultural land suitable for the solar farm development.

Impact on Landscape Character/Visual Amenities of the area

- 5.15 Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity.
- 5.16 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. The site lies in an area of gently rolling hills with broad low ridge lines and wide valleys, reflective of the underlying rocks and sediments. Within the site the landform contains three distinct elements: the valley of the Chil Brook which rises near the western boundary of the site and meanders across the site towards the north east; the linear knoll created by the further meandering course of the Chil Brook which extends across the centre of the site; and thirdly to the south is the gentle slope stretching south towards the broad valley of the Limb Brook. A mixed plantation woodland belt marks the higher sections of the knoll. The site area is dominated by arable and pasture fields, with associated hedge lines and scattered trees.
- 5.17 A Landscape and Visual Impact Assessment (LVIA) submitted with the application concludes that the significant landscape effects identified as a result of the Proposed Development would be restricted to the change of land use from arable/agricultural to renewable energy generation. In the context of a dominance of agricultural/arable land use within the Survey Area and the local environs, this is considered to be of Medium Magnitude, with regards to Land Use. The remaining aspects of the landscape character would receive no direct impact or, in the case of vegetation with proposed mitigation planting, are of minor-beneficial magnitude. A range of potential visual receptors are identified within and around the Survey Site including residential properties, roads and PROWs. The majority of visual receptors would experience minor or negligible impacts. Where higher degrees of effect were noted, mitigation measures are proposed in order to address these. Whilst the higher levels of effect would still occur at Year Zero following construction, they would all reduce to minor-moderate or less at Year Fifteen of operation, with the exception of the Homestead whose elevated position in close proximity to the Site would require a greater period of time for the infill planting of the shelter belts to provide effective screening. It is anticipated that this receptor too would have a magnitude of impact reduced to minor-moderate after 10-15 years of growth.
- 5.18 In terms of the landscaping strategy, it is stated that the proposed development has been designed to respect the character of the landscape and uses the strong field pattern to integrate the scheme into the landscape as far as practicable. Existing landscape features are to be protected and strengthened. All trees on the site would be retained and additional planting

provided, where necessary, to fill in the gaps of the existing boundary planting. In terms of concerns raised by South Leigh Parish Council the framework landscaping scheme has been amended to include more tree planting, this being along the western (southern section) and southern boundary. In respect of the footpath that runs through the centre of the site, the proposed wildflower buffer strips will now be next to the footpath thereby providing a much wider footpath corridor running through the site. It is also proposed to maintain the hedgerow along the footpath at a lower level (approx. 1.5m), to provide a less enclosed environment and to add some oak to the tree planting mix.

- 5.19 The Council's Landscape Officer has commented that the development will have a transformational impact on a very wide area of open countryside; will have a considerable impact on the network of well-used network of public rights of way and that the areas of solar panels on higher ground will be visible from longer distance vantage points. Whilst it is acknowledged that Officers would be generally supportive of some solar development in the area, it should be designed to reduce its visual impact and impact on users of the public rights of way and that greater mitigation measures are required if a solar farm of this scale is to be supported. As such, the Landscape Officer has recommended that the area of solar panels on higher ground should be reduced; lower lying ground should be explored on surrounding land and priority should be given to an increase in woodland and scrub cover for visual mitigation purposes - both from further afield and to mitigate the impact on footpath users.
- 5.20 Discussions have been held with the applicant involving the Landscape Officer to explore the possibility of locating the panels of lower ground including land to the west and to enhance mitigation measures through extra planting. The applicant has advised that the land to the west is not within their control and other land within their control is constrained. Nevertheless, a revised illustrative layout plan indicates the proposal to relocate some panels off the highest ground on the south sloping side of the site and an improved mitigation scheme is being proposed with enhanced planting to the west and the continuation of existing hedgerows on the southern part of the site to help break up the areas of solar panels and provide additional screening. The treatment for the footpath crossing the site has also been amended so relocate the fencing behind the hedge.

#### Impact on Heritage Assets

- 5.21 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. The NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.22 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. In terms of non-designated heritage asset the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These duties are reflected in policies EH9, EH11 and EH16 of the Local plan.

- 5.23 A Historic Environmental Impact Assessment has been submitted which concludes that there is a potential for unknown archaeological assets within the site. This desk-based assessment has predicted the following potential: low for Palaeolithic, Mesolithic, Roman, and early medieval remains; and medium for Neolithic, Bronze Age, Iron Age, medieval, postmedieval, and modern remains. There is, however, still a risk that unexpected archaeological remains of all periods may be discovered within the site. D

#### Assessment

- 5.24 The County Archaeological Officer (CAO) originally raised concerns on the grounds that a geophysical survey should be undertaken, which would indicate whether a phase of evaluation (trenching) would be required. Following further discussions with the agent and the submission of further details including areas of archaeological potential where plinths may be utilised, dependent on the results of any investigation, the CAO is now satisfied with the proposal subject to appropriate mitigation being carried out, which can be secured by condition.
- 5.25 In terms of designated heritage assets, Twelve Acre farmhouse is Grade II listed. The development would be some distance from the farmhouse and would not be visible from the listed building. The Conservation Officer does not consider that the proposed development would have an adverse impact on the setting of the farmhouse but has commented that the solar panels on the higher ground would be visible from long distance views from the churchyard at South Leigh.

#### Highway Issues

- 5.26 The access to the site during both the construction and operational phases was originally proposed to be solely via Chilbridge Road and then utilising the existing access to the farm. The application has been amended so that access for the construction phase is now proposed via the A40. It is proposed that this access route will be widened with 5m x 5m entry splays tapering down within the site, to allow large vehicles (HGV's) to turn into and out of the site. Junction visibility has been reviewed in respect of the existing de-restricted (60mph) speed limit and to ensure that the full visibility is available, and it is anticipated that some vegetation clearance would be required, although all the associated land is public highway land or within our landowner's control.
- 5.27 Within the development site, new access tracks will be utilised to facilitate movement within the site for construction and maintenance, where an existing track is not available. It is envisaged that topsoil layers will be excavated to expose a suitable base on which to build the track. It is envisaged that the tracks will then be built up by laying crushed stone, rolled in layers. It is proposed that the track(s) will utilise existing access points between fields and crossing points over ditches, with no need to remove trees or hedgerows.
- 5.28 The Transport Statement concludes that the proposed development is expected to generate a limited number of vehicles once the site becomes operational, and similarly, only a limited number of vehicle trips during the construction phase. During the 16 week construction programme, vehicle movements are typically expected to comprise of 15 car and 10 LGV trips, arriving in the morning and leaving in the evening. Around 5 HGV trips are expected per day, with a total of 10 further HGV trips during the whole of the construction period, associated with the delivery of the batteries which will be housed in shipping containers.

- 5.29 The County's Highway Officer (CHO) has raised no objection to the application and notes that the number of trips to and from the site, when it is operational, will be minimal and will have a negligible impact on the highway network. It is noted that the northern part of Chilbridge Road falls within the West Eynsham Strategic Development Area (SDA) and whilst it is not yet known how it will be accommodated within the development, the CHO is confident that access could be accommodated one way or another. No objection has been raised to the use of Chilbridge Road subject to careful management of construction traffic along the Chilbridge Road bridleway being required. In terms of the revised construction access arrangements from the A40, the CHO has advised that in order to avoid obstruction to the free flow of the traffic and to prevent an increase in the likelihood of collisions, the access must be limited to left-turn movements only for vehicles entering and leaving the site. All vehicles will have the opportunity to change direction on the A40 either at the Eynsham roundabout (to the east) or at the Shores Green interchange (to the west). Vehicles must be barred from turning at Barnard Gate because there is no ghosted right-turn filter lane, so HGVs in particular would cause an obstruction if they were waiting to turn right off the A40 here. Vehicles must also be advised not to attempt to use the adjacent laybys to change direction. These measures could be controlled through an agreed Construction Traffic Management Plan.
- 5.30 A Section 278 Agreement will be necessary for the construction of the new access. It will need to be wide enough so that two HGVs can be accommodated between the carriageway and the gate.
- 5.31 In terms of impact on the existing public right of way (PRoW) the revised PRoW footpath cross-section is considered an improvement for users of the path and is acceptable to OCC. Providing an alternative route for construction vehicles away from the PRoW is also an advantage for path users. OCC therefore raise no objection to the application subject to a S278 agreement and Construction Traffic Management Plan condition. Following the request from Members seeking further clarification on enforcement of the proposed construction traffic route, OCC has advised that the favoured method for ensuring left in and left out of the site would be to have a kerbed, triangular-shaped island in the centre of the new access junction. This would create a physical obstruction to HGVs attempting a right turn, and would separate the inbound and outbound lanes of the site access so that two HGVs could pass. Advanced and local signage will be crucial to inform road users of the possible movements, and to direct the HGVs to the A40 junctions where they can make a U-turn.

#### Flooding and Drainage

- 5.32 The majority of the site is located within Flood Zone 1, the zone with the lowest risk of flooding. A small part of the site is located within Flood Zones 2 and 3, indicating that this land is at a 'medium' and 'high' risk of river flooding. The development proposals for the site indicate that development will be located outside the Flood Zones 2 and 3.
- 5.33 The submitted Flood Risk Assessment concludes that no significant surface water is predicted to enter the site from outside the site boundaries. Any surface water flowing towards the site will largely be intercepted by the Chil Brook. It is proposed that Finished Floor Levels of any buildings are set no less than 71.9m AOD (0.6m over the estimated flood level based on the EA maps) and set above local ground levels (ideally by 0.3m) to prevent surface water flooding. The proposed development will result in no more than 0.27% impermeable area, leaving 99.73% of the site as permeable. 92.5% of impermeable area will be located at the north-east corner of the

site, with the remaining five different locations. SuDS measures are proposed to manage additional surface water runoff generated by the proposed impermeable areas. These include swales. During the construction phase, additional drainage measures would be implemented to attenuate the increase in surface water flows and reduce pollution. Overland flow paths will be similar during an exceedance event, with excess flows draining to the Chil Brook within the top half of the site and draining towards small drains to the south-east and south-west from the bottom part of the site.

- 5.34 No significant risk of flooding from other sources has been predicted.
- 5.35 Following the submission of additional drainage information, the County Council, as the Local Lead Flood Authority, has raised no objection to the application subject to surface water drainage conditions.

### Biodiversity

- 5.36 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.
- 5.37 The site has been subject to an Extended Phase 1 Ecological Assessment and Preliminary Protected Species Survey along with Phase 2 surveys for great crested newts (GCN). The Ecological Assessment concludes that the habitats to be directly affected by the proposed development - the arable and pasture fields - are of low ecological value and the proposals would result in a net gain through the conversion of arable to pasture and the creation of new wildflower grassland habitats. New tree and shrub planting would enhance the connectivity of the site once established and provide additional habitat for a range of species.
- 5.38 The results of the Preliminary Protected Species Survey and targeted Phase 2 GCN surveys identified the presence and potential presence of protected species. These concluded that:
- There is no evidence of badgers; however, they are known to be in the local environs and therefore standard Good Practise should be followed during the Construction Phase;
  - The Site is likely to be used by local bat populations for foraging and commuting; no roosting habitats are identified as being directly or indirectly impacted by the proposals;
  - No GCN were identified within ponds situated within 500m of the Site, therefore this species is not a constraint to development;
  - A grass snake was recorded onsite and the habitats have the potential to support populations of further common reptile species such as common lizard and slow worm - an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted;
  - Breeding birds, including ground nesting birds, are likely to use appropriate habitats within the Site and on the Site boundaries - an appropriate Precautionary Method of Works is proposed to ensure that these species are not impacted; and
  - The Chil Brook has the potential to provide suitable habitat for watervole and transient habitat for otter - however no evidence of either species was recorded during the surveys.

- 5.39 The assessment concludes that provided the measures detailed in this report are adopted, the Proposed Development is considered to represent a net gain for habitats and species.
- 5.40 Following full consideration of the information and details provided within the report, the Council's Biodiversity Officer has no objections to the proposed development subject to ecology conditions being attached to any permission granted.

#### Other Matters

##### *Community Benefits*

- 5.41 As set out in the representations section above, Green TEA (Transition Eynsham Area) Energy Group comments that it is their intention is to reach an agreement for an option for the Low Carbon Hub to purchase the solar farm, if consented, as a community asset or if the sale does not proceed, Low Carbon Ltd has suggested a fall back of a relatively small one-off donation to the local community. They have stated that they assume that benefits to host communities would be a material consideration. Whilst the public benefit of this renewable energy project is recognised, recent case law has held that benefits such as a donation is not a material planning consideration and that a Council would be acting unlawfully by taking it into account.
- 5.42 The Parish Council has also requested contributions towards their Bartholomew Room Refurbishment Project and funding to help improve the Fishponds ( Public Right of Way) in the village. In terms of Planning obligations, the guidance is clear that they may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

It is officer opinion that the requested contributions would not satisfy these tests and as such would not be justified.

- 5.43 Eynsham Parish Council have queried the impact of glare to aircraft using RAF Brize Norton. The applicant has responded that the concept of efficient solar power is to absorb as much light as possible while reflecting as little light as possible. Standard solar modules produce less glare and reflectance than standard window glass. Solar modules use 'high transmission, low iron glass' which absorbs more light, producing smaller amounts of glare and reflectance than normal glass. Common construction materials, such as steel and glass (e.g. greenhouses or unpainted metal roofing) and many features of the natural environment such as water and grass have higher reflectivity than solar PV arrays.

#### Update

- 5.44 The applicant has submitted further information as follows. A full copy of the response can be viewed on the Council's website.

### *Biodiversity*

- 5.45 It is our understanding that as a result of our response and discussions since the application was submitted, all matters raised have been dealt with to the Biodiversity Officer's satisfaction, including through clarification provided by the Applicant and, where necessary, by ensuring that the proposed planning conditions secure any habitat, management and mitigation that is proposed. It is considered that the Applicant has submitted a robust Landscape and Biodiversity Scheme which maximises opportunities for habitat enhancement across the Site, providing a net gain for biodiversity in the long-term.

### *Landscape and visual*

- 5.46 There are no proposals to have any gaps in the screen planting around the site, and all fencing would be inside the perimeter screening. The indicative site layout plan shows where panels would be excluded. The updated photomontages, illustrate views from the west and reflect the changes to the layout and increased planting proposals. These clearly emphasise the following:
- the updated public footpath arrangement through the centre of the Site, now features the fence behind the new hedgerows. The effect of the removal of the fence from alongside the route of the path means that the corridor has effectively increased from 5m to 15m comprising a 5m wide footpath, plus a further 5m of planted wildflower meadow strips on either side;
  - the exclusion of panels from the higher ground within the Site that faces towards the village of South Leigh; and
  - the increased tree planting along the western boundary of the Site, to soften views from the edge of South Leigh.

### *Construction access*

- 5.47 Adequate design and management measures for the construction access could be secured by Conditions. The access could be adequately controlled as a measure of the CTMP in the same way as other measures (wheel washing, working hours etc.) and, as proposed, a requirement for a CTMP should form a condition of any planning permission. Vehicle routing is usually dealt with in the CTMP and, in this particular instance, it should be noted that the HGVs using the construction access would be limited in number (approximately five per day on average) and would also be under the control of the Applicant (i.e. they would be delivering specific equipment for the solar farm, rather than simply being construction staff or contractors working under their own management). Given that all HGVs would be regulated and programmed by the Applicant, it is reasonable that their routing can be controlled and enforced.
- 5.48 Notwithstanding the above, a physical measure could be incorporated into the junction design. This could include the use of bollards or something more substantial to physically enforce the left-in and left-out arrangement.
- 5.49 In terms of landscape impact, the only substantive works would be where the site access track meets the A40, which is shielded from the more open countryside to the south by mature vegetation (hedgerow) and where similar accesses are common place along the stretch of the highway. Importantly, it is not proposed to tarmac the length of the site access track in the more open countryside area to the south. The works here would include providing a rolled

stone/crushed aggregate track, comparable to a conventional farm track. This would follow the route of the existing field access.

### Conclusion

- 5.50 In conclusion, the proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases. There are considered to be no available or suitable brownfield sites nor areas of lower quality agricultural land suitable for the solar farm development. Whilst the landscape impact is recognised, particularly of the panels sited on the higher ground, this impact will be mitigated by enhanced planting mainly along the western and southern boundaries where views are most sensitive. There are no technical objections to the application relating to ecology, highway safety or flood risk and there would not be an adverse impact on the setting of Twelve Acre farmhouse. A condition could also ensure that any areas of archaeological interest have adequate mitigation measures such as the requirement to place the panels on concrete pads. The application is thus recommended for permission.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 27th November 2019\_ 6th February 2020.  
REASON: The application details have been amended by the submission of revised details.
- 3 Prior to the commencement of the development hereby permitted, full details of the final locations, design and materials to be used for the panel arrays, battery cabins, inverters, control room, substations, power conversion system, HVAC unit, CCTV cameras and fencing shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details.  
REASON: To ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area.
- 4 No lights shall be erected within the site without the prior written agreement of the local planning authority.  
REASON: To safeguard the character and appearance of the countryside and to protect foraging/commuting bats.
- 5 Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 6 Prior to the commencement of any site works (including site clearance) a protected area shall be designated for all existing trees which are to be retained, and the trees shall be protected in accordance with a scheme which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 7 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs and wildflower meadow, shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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.
- 8 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.  
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 9 No development shall commence, involving use of the A40 access, until details for the construction of a new priority junction at the location of the existing field access and the creation of visibility splays as shown indicatively on drawing no. 410558-MMD-XX-BA04-DR-C-0001 Rev. P2 have been submitted to and approved in writing by the Local Planning Authority and all works shall be completed in accordance with the approved details.  
REASON: In the interests of road safety.
- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. The construction shall be in accordance with detail set out in document reference KCI670 - Aurora Solar Farm, Eynsham dated 25/10/19. The plan shall include phasing detail, pollution control and silt mobilisation during construction and re-instatement and decompaction of ground post construction.  
REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal

- 11 The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.  
REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.
- 12 Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40 year period of planning permission.  
REASON: In the interests of visual amenity to accord with the NPPF.
- 13 Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).
- 14 Following the approval of the Written Scheme of Investigation referred to in condition 13, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.  
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).
- 15 The development shall be completed in accordance with the recommendations in section 6 of the Ecological Assessment report, dated August 2019 and prepared by Landscape Science Consultancy Ltd. All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.  
REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

16 Before development takes place, details of the provision of nesting opportunities for birds (e.g. pole mounted barn owl boxes) shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

17 A Biodiversity Management Plan (BMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the BMP shall include, but not necessarily be limited to, the following information:

- i. Landscape and ecological trends and constraints on site that might influence management;
- ii. Full details (including a revised site plan and species lists) of the creation and enhancement of habitats and features including the native hedgerow planting and infilling, native tree planting, creation of new wildflower grassland buffering the Chil Brook corridor, the conversion of field margins to wild-flower meadows, conversion of arable grassland to grazed pasture grassland (detailing a contingency plan for alternative management), a wildlife pond if possible and details of a pole mounted Barn Owl box on a revised site plan. Enhancement measures should particularly consider and refer to the creation of habitat for protected and priority species (e.g. Grass Snakes and Skylarks). Both the Grassland Management Plan and the Framework Landscape and Biodiversity Plan should be included.
- iii. Aims and objectives of the management and the appropriate management options for achieving these;
- iv. Prescriptions for management actions and an annual work schedule;
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- vi. Details of the body or organisation responsible for implementation of the plan;
- vii. Ongoing monitoring and remedial measures;
- viii. Timeframe for delivery and reviewing the plan; and
- ix. Details of how the aims and objectives of the BMP will be communicated to the occupiers of the development.

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

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

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

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 18 No development shall take place (including ground works and vegetation clearance for the trench) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of 'biodiversity protection zones';
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for specific species such as GCN, nesting birds, reptiles, hedgehogs and badgers);
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - v. The times during construction when specialists ecologists need to be present on site to oversee works;
  - vi. Responsible persons and lines of communication;
  - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
  - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 19 A report prepared by a professional ecologist or the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP - Biodiversity have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the proposed development. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To provide evidence that the impact on the calcareous grassland priority habitat is minimised as much as possible during construction in accordance with Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy Framework, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

## NOTES TO APPLICANT

- I Vehicle access (construction) - No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.

- 2 Vehicle access (Occupation) - No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.
- 3 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

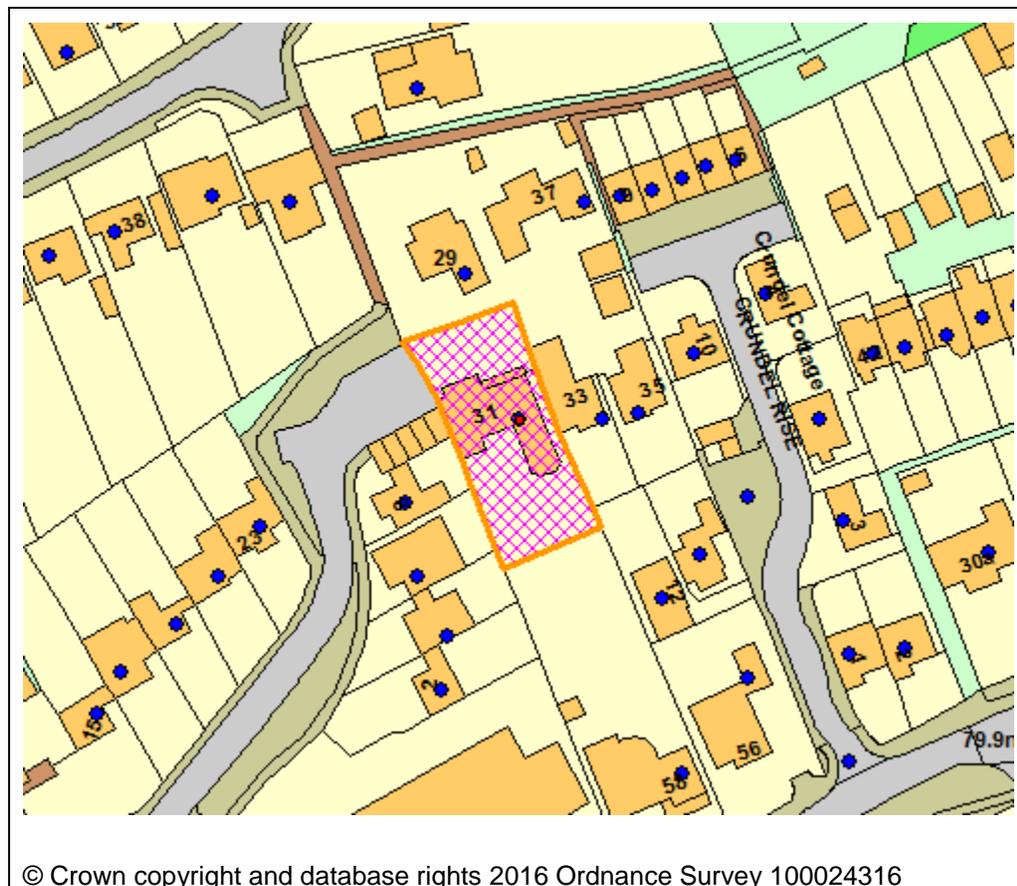
All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features,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

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

The applicant is encouraged to consider incorporating enhancements for biodiversity within their development. Paragraph 170 of the NPPF states "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... (d) minimising impacts on and providing net gains for biodiversity..." and paragraph 175 states "When determining planning applications, local planning authorities should apply the following principles: ... (d) ... opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Enhancements could be bird nesting (e.g. house sparrow terrace with no. 3 holes) or bat roosting (e.g. bat tubes/boxes/bricks) opportunities integrated within the walls of new buildings or externally mounted on existing walls, away from doors or windows to avoid the accumulation of droppings. Bird nesting opportunities should preferably be on/in the northern or eastern elevations of the building whilst bat roosting opportunities should be on/in the eastern or southern elevations.

|                         |   |
|-------------------------|---|
| Application Number      | 19/02591/HHD  |
| Site Address            | Razzi House<br>31 Moorland Close<br>Witney<br>Oxfordshire<br>OX28 6LN |
| Date                    | 4th March 2020  |
| Officer                 | Claire Green  |
| Officer Recommendations | Approve   |
| Parish                  | Witney Town Council   |
| Grid Reference          | 434947 E 210065 N   |
| Committee Date          | 16th March 2020   |

### Location Map



### Application Details:

Amendments to approved plans under application 18/00077/HHD to allow increase height to annex, external paving, landscaping works and alterations with additional windows (to regularise works). (Part retrospective).

### Applicant Details:

Mr Mohammed, Razzi House, 31 Moorland Close, Witney, Oxfordshire, OX28 6LN

## **I CONSULTATIONS**

- 1.1 Town Council Witney Town Council objects to this application as it does not consider that soft planting and landscaping will mitigate the original objection.
- 1.2 Town Council Witney Town Council objects to this proposal as it results in a loss of privacy to the neighbours and also results in the loss of the ability to maintain the fence belonging to 31 Moorland Close.

## **2 REPRESENTATIONS**

Five objection comments have been received from three neighbours. Full comments are available to view on the public portal. The comments are summarised as follows:

- The extension has been going on too long causing disruption to access and parking and causing noise and mess.
- They have raised the height of the ground level significantly, if they were to stand on the platform by the boundary with our property we can now see them from mid-thigh upwards.
- We have lost a significant amount of privacy in our garden due to both paved platforms.
- As built the development prevents maintenance of the boundary fence.
- The new plans do not address concerns about privacy.
- The new proposed fence does not extend to the 'lower terrace' and therefore does not help with the privacy issues. The planting is unlikely to provide a screen.
- Planting in front of the fence will make it difficult to maintain from their side.
- If planting is to include bamboo, which has been suggested, we would request that this has the required sub-terranean barriers to prevent spread of the bamboo into neighbouring properties. This can be a real problem if the wrong species are planted.
- I will lose lighting to the house and garden. I will lose privacy from increased noise and disturbance from increased use.
- The extension will be physically unattractive and trees are being removed.
- I am not happy with the access points (Windows/doors) to the extension, it does not take any consideration of neighbours into account.
- I am unhappy with the height to proposed Annex which will reduce light into my garden and effect directly the line of sight intrusion and privacy to my property.

- I have already had to replace a wooden fence separating our properties due to building works, there seems to be little respect for neighbours.

### **3 PLANNING POLICIES**

DESGUI West Oxfordshire Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

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

### **4 PLANNING ASSESSMENT**

#### Background Information

- 4.1 The application seeks retrospective planning permission for amendments to approved plans to allow an increase in height to the annex, external paving, landscaping works and alterations with additional windows, at Razzi House, 31 Moorland Close, Witney. The application site relates to a modern detached house in a small cul-de-sac, on a housing estate North West of Witney Town Centre.
- 4.2 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the development on the visual amenity and the impact of the development on the residential amenity.

#### Principle

- 4.3 The extension and associated landscaping works are located within the residential curtilage of 31 Moorland Close. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031. The extensions were originally granted consent under reference 16/03361/HHD, and subsequently 18/00077/HHD.
- 4.4 The dwelling is on a sloping site with neighbouring properties on all sides. The dwelling is positioned on almost the highest part of the plot, with the rear extensions and paved areas facing downward in a Southerly direction.
- 4.5 The retrospective application includes for multiple elements which have been carefully assessed individually and as a whole.

#### Increase in Height

- 4.6 The small increase in the height of the annex (27cm) is considered to retain a proportionate scale for this extension. It is officer's opinion that the relatively small increase does not cause significant harm to neighbour amenity.

#### Changes to Fenestration Detail

- 4.7 The application seeks to regularise changes in fenestration from that originally approved. This application seeks approval for an additional window in the North East Elevation. The South West Elevation now features a door rather than a window.
- 4.8 The windows in the rear elevations of the extensions overlook neighbours to the South, and to a small extent the gardens of properties to the East and to the West. All three of these windows are reduced in size when compared to the previously approved application. It is officer's opinion that the changes in fenestration as addressed in this application do not, on balance, represent an increase in overlooking and neither do they represent an increased loss of privacy to neighbouring properties.

#### Landscaping and Patio

- 4.9 As built the rear garden currently features a large paved patio area, constructed on two levels. Landscaping plans were not submitted with the original applications, the patio and landscaped levels are subject to an enforcement complaint. The complaints and objections centre around the height of the patio levels and the potential loss of privacy to neighbouring properties, specifically those properties on lower land levels.
- 4.10 Following officer visits to the property, along with meetings with the applicant and agent, a revised landscaping and planting scheme was submitted to address concerns with neighbour amenity.
- 4.11 The application includes for a reduction in the width of the patio, bringing the patio in from the sides by 1 metre from both the East and West boundaries. This would include lifting the patio, removing the gravel and other materials and restoring the border ground levels to natural levels to create a one metre border space that will allow for maintenance of the fences and space for planting, suitable screening species to be agreed.
- 4.12 Additional measures include a fence (1.8 metre high) to be erected along the edge of the patio, on both levels, to provide for privacy to neighbouring properties.
- 4.13 The development is not readily visible on the street scene since all parts of this application refer to development at the rear of the dwelling. The extensions are constructed with materials matching existing and do not give rise to any adverse impacts in regards to visual amenity.

#### Neighbouring amenity

- 4.14 When considering neighbour amenity officers have carefully considered the impact to neighbouring properties. As previously highlighted, the dwelling is sited on a sloping plot, the estate itself is built on a considerable rise with other properties overlooking dwellings that are built on lower levels. This site and others have windows and gardens facing downhill, with existing overlooking and elements of loss of privacy. It is officer's opinion that the proposed landscaping scheme incorporates design to minimise loss of privacy to neighbouring properties whilst allowing for a more practical and useable outdoor space at a plot with challenging ground levels.
- 4.15 Officers are of the opinion that on balance, the proposed scheme including boundary treatments and fencing provision, would not give rise to any additional adverse impacts in regards to neighbouring amenity.

## Conclusion

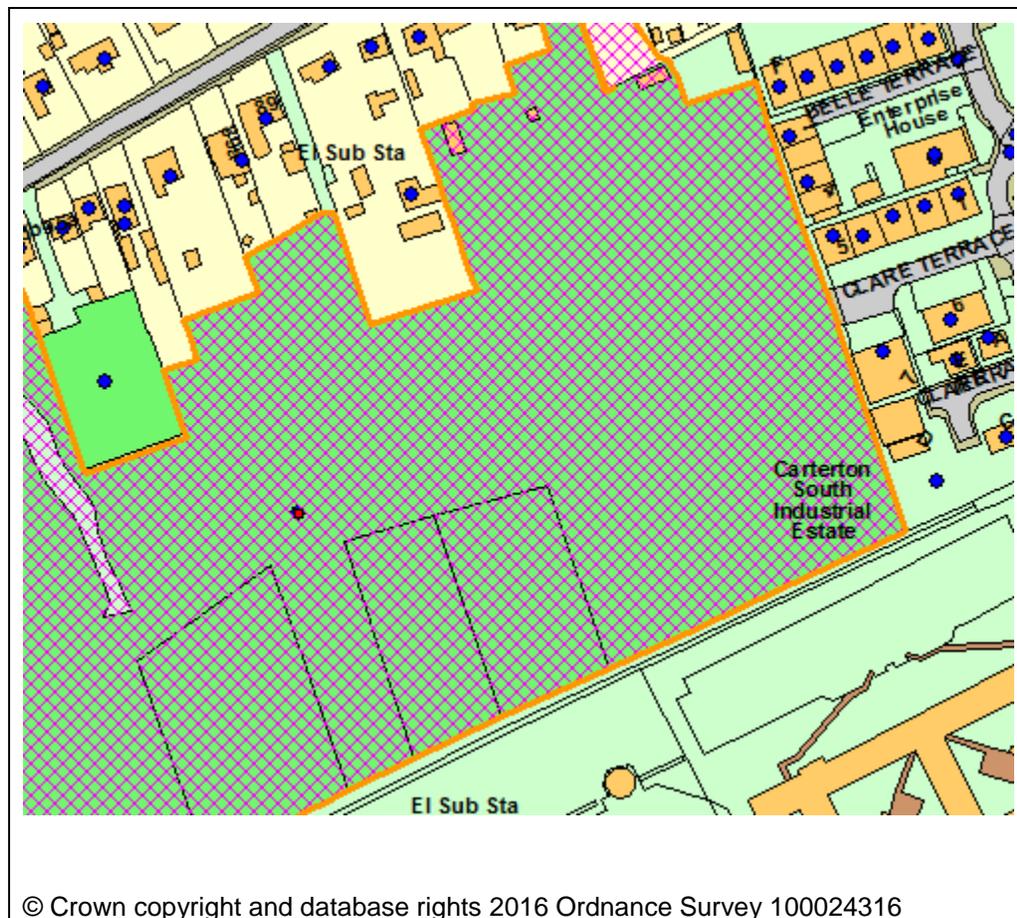
- 4.16 Taking into account the above matters the development is considered acceptable on its merits and is therefore recommended for approval. The application complies with policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 The approved means of enclosure shall be constructed as per the design, specification and location detailed in the approved plans within three months of the date of the decision notice and retained as such thereafter.  
REASON: To safeguard neighbour amenity.
- 3 That a scheme for the tree/shrub planting of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision notice. The scheme shall be implemented as approved within 12 months of the date of this decision notice 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 neighbour amenity.
- 4 The approved boundary gap shall be constructed/excavated as per the design, specification and location detailed in the approved plans within three months of the date of the decision notice and retained as such thereafter.  
REASON: To safeguard neighbour amenity and to allow for boundary fence maintenance and repair.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the External South West Elevation or South East (Rear) Elevation of the West Extension identified as 'Annex' on the floor plan.  
REASON: To safeguard privacy in the adjacent property.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the North East Elevation or the South East (Rear) Elevation in the East extension, identified as 'New extension to lounge'.  
REASON: To safeguard privacy in the adjacent property.

|                         |   |
|-------------------------|---|
| Application Number      | I9/02809/FUL  |
| Site Address            | Land South of<br>Milestone Road<br>Carterton<br>Oxfordshire |
| Date                    | 4th March 2020  |
| Officer                 | Abby Fettes   |
| Officer Recommendations | Defer   |
| Parish                  | Carterton Town Council                                      |
| Grid Reference          | 427742 E 205940 N   |
| Committee Date          | 16th March 2020   |

### Location Map



#### Application Details:

Erection of 214 dwellings with associated landscaping, surface water attenuation and parking (Amended description and plans).

#### Applicant Details:

Partner Construction Ltd, C/O Agent.

## I CONSULTATIONS

- I.1 Major Planning Applications Team Comments awaited. Reconsultation expires 20th March
- I.2 MOD - Landowner - Safeguarding Comments awaited. Reconsultation expires 20th March
- I.3 MOD MOD (Brize Norton) Comments awaited. Reconsultation expires 20th March
- I.4 WODC Env Health - Lowlands  
I note with interest the Drawings now released for the proposed dwellings. In terms of acoustic design, I see that acoustic trickle vents (37 dB Dn.e.w) and enhanced glazing reduction (38 dB Rw) details are stated on some of the drawings.  
I welcome these design considerations given the acoustic challenges of the site.

I have re-iterated my comments and advice of the 26 November 2019 below, which I do not propose to amend in light of the new drawings. For the avoidance of doubt, I do Not Object in principle to the 241 dwellings but acoustic comfort by appropriate design must be delivered. In this respect, I should flag to you the new 'Residential Design Guide ('Acoustic Ventilation and Overheating' by ANC/loA Jan 2020). I think this should naturally follow as an Informative (see below)

Comments and response of 26 November 2019:

I have undertaken a site visit and read professional noise report submissions from the applicant in relation to the design of new homes to address noise primarily from the adjacent MoD RAF Brize Norton base/aircraft movements and engine ground running. I also note the representation made by the latter organisation in relation to acoustic design of houses for this plot.

Recommended noise criteria limits and conditions for new dwellings for this site:

Acoustically treated trickle vents shall be incorporated into all habitable rooms (bedrooms and livingrooms) so as to provide a sound attenuation of 37 dB Dn,e,w

Acoustically treated glazing with a minimum sound reduction performance value of 38 dB Rw +Ct,r shall be incorporated into all bedrooms.

' Thermal double glazing with a sound reduction performance value of 30 dB Rw + Ct,r shall be installed for all other habitable rooms.

' Indoor ambient noise levels for new dwellings shall accord with British Standard BS. 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

The indoor criteria are - bedrooms 30 dBA Leq and living rooms 35 dBA Leq (07:00-23:00hrs). For a reasonable standard in bedrooms at

night, individual noise events should not exceed 45 dBLmax  
' An acoustic barrier of height 2.6m shall be erected on the eastern boundary of the site adjacent the existing commercial business on Clare Terrace, Carterton. The barrier shall be imperforate, sealed at the base and have a minimum mass of 10kg/m<sup>3</sup>  
' No dwelling shall be occupied until a pre-occupation validation noise survey has been carried out, in order to demonstrate that the noise mitigation measures that have been incorporated, are effectual in reducing external (aircraft) noise to the internal criteria levels and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority to demonstrate that the noise levels required under BS 8233:2014 have been achieved.

#### INFORMATIVE:

A new "ACOUSTICS VENTILATION AND OVERHEATING. Residential Design Guide (IoA/ANC) Jan 2020" is now available and should be considered for the design of these dwellings to prevent noise ingress and issues relating to overheating.

Comments awaited. Reconsultation expires 20th March

#### I.5 Major Planning Applications Team

28th November 2019 response:

##### Highways

Objection for the following reasons:

- The application has failed to demonstrate safe and suitable access. Visibility splays and vehicle tracking is required, and the county council also requests an amendment to the type of junction proposed.
- The Transport Assessment is not robust does not assess the development's traffic impact.

##### Drainage

Objection

Key issues:

- Submission is not aligned with Local or National Standards nor best practice.
- Key information missing to enable a full technical assessment of the drainage, flood risk, SuDS usage for the proposal.

##### Education

No objection subject to:

- S106 Contributions as summarised in the tables below and justified in this Schedule. (totalling £4, 293,526)

Archaeology

No Objection.

3rd February response.

#### Highways

Objection for the following reasons:

- Further detailed vehicle tracking is required.
- The visibility splays shown at the proposed access junctions are insufficient.
- Further information is required on the traffic impact assessment.

#### Drainage

Objection

Key issues:

- No new information identified as having been submitted to address comments made under previous objection.
- Submission is not aligned with Local or National Standards nor best practice.
- Key information missing to enable a full technical assessment of the drainage, flood risk, SuDS usage for the proposal.

#### Local Member View (Cllr Handley)

The roundabout at junction of new homes and verge area on north side of milestone rd to be tarmacked and made into a footpath , via I06 type funding by the builders

- |      |                      |  |
|------|----------------------|--|
| I.6  | Conservation Officer | Design changes required before we can support  |
| I.7  | WODC - Arts          | Should this proposal be granted planning permission, then the Council would favour the following approach:<br>A contribution of £24,990 towards off-site artist-led activity in the vicinity of the site which engages the community.  |
| I.8  | Wildlife Trust       | No Comment Received.   |
| I.9  | Environment Agency   | The planning application site falls within 250m of a COMAH site. We have reviewed the application and have no comments to make.  |
| I.10 | Biodiversity Officer | In summary, the following are required before a positive determination of the application: <ul style="list-style-type: none"><li>- Southern boundary hedgerow and associated 2m buffer management proposals</li><li>- Consideration of alternative site layout proposals to retain the southern boundary hedgerow within the public realm or a larger buffer</li><li>- Back garden boundary form of enclosure along the southern edge of development to provide protection of the hedgerow and buffer area</li><li>- Consideration of the use of a covenant for hedgerow protection</li><li>- Biodiversity net gain details</li><li>- Reptile survey and mitigation strategy</li><li>- Great crested newt habitat assessment (and full survey) or confirmation as to whether the applicant will be joining the</li></ul> |

NatureSpace district licensing scheme

- Mitigation strategy for other protected species, including badgers, bats and nesting birds

I.11 ERS Env. Consultation Sites

While the information provided with the application goes some way to characterising the site it is not considered sufficient to negate the need for a pre-commencement contamination condition. It is noted that the former breakers yard in the west of the site does not appear to have been highlighted in the correct position on the exploratory hole location plan. The method for installing the ground gas monitoring points is not clear, it appears as though the monitoring wells were installed into trial pits. Section 8.3 of British Standard BS8576 indicates that it is preferable to install monitoring points into boreholes.

Given that further investigation may be necessary please consider adding a condition to any grant of permission.

I.12 WODC Env Health - Lowlands

I have no objection in principle to the residential development at this site.

I have undertaken a site visit and read professional noise report submissions from the applicant in relation to the design of new homes to address noise primarily from the adjacent MoD RAF Brize Norton base/aircraft movements and engine ground running. I also note the representation made by the latter organisation in relation to acoustic design of houses for this plot.

Recommended noise criteria limits and conditions for new dwellings for this site:

- Acoustically treated trickle vents shall be incorporated into all habitable rooms (bedrooms and living rooms) so as to provide a sound attenuation of 37 dB Dn,e,w
- Acoustically treated glazing with a minimum sound reduction performance value of 38 dB Rw +Ct,r shall be incorporated into all bedrooms.
- Thermal double glazing with a sound reduction performance value of 30 dB Rw + Ct,r shall be installed for all other habitable rooms.

Indoor ambient noise levels for new dwellings shall accord with British Standard BS. 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

The indoor criteria are - bedrooms 30 dBA Leq and living rooms 35 dBA Leq (07:00-23:00hrs). For a reasonable standard in bedrooms at night, individual noise events should not exceed 45 dBLmax

- An acoustic barrier of height 2.6m shall be erected on the eastern boundary of the site adjacent the existing commercial business on Clare Terrace, Carterton. The barrier shall be imperforate, sealed at the base and have a minimum mass of 10kg/m<sup>3</sup>

- No dwelling shall be occupied until a pre-occupation

validation noise survey has been carried out, in order to demonstrate that the noise mitigation measures that have been incorporated, are effectual in reducing external (aircraft) noise to the internal criteria levels and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority to demonstrate that the noise levels required under BS 8233:2014 have been achieved. The measures incorporated in the design and construction and so certified, shall thereafter be retained.

- |      |                             |   |
|------|-----------------------------|---|
| I.13 | Health And Safety Executive | No Comment Received.  |
| I.14 | WODC Housing Enabler        | No Comment Received.  |
| I.15 | MOD MOD (Brize Norton)      | <p>1. Provision for surface water discharges:<br/>Included below are the relevant extracts from the response from Ancala who manage the water and drainage for the MOD at RAF Brize Norton. As you will see the conclusion is that there could be a very small risk of increase in flooding arising from the proposals, but the conclusion from the RAF Brize Norton perspective is that has been appropriately mitigated by the developer. You may wish to flag to the developer that they will need to agree with Thames Water how the RAF Brize Norton site is accessed to provide the necessary connections within its boundary. We will also presume that Thames Water have responded separately to confirm that sufficient upgrades and capacity will be available, if not we would have additional concerns.</p> <p>2. Noise:<br/>Included below are the relevant extracts from the response from DIO's Subject Matter Expert. I'd draw your attention in particular to the recommendation that "acoustically treated glazing with a minimum sound reduction performance value of 38dB Rq should be incorporated into all bedrooms of the properties"; ... "the proposed ventilation for bedrooms should be incorporated into all habitable rooms"; ... consideration be given to extending the 2.3m acoustic fence along the length of the southern boundary; and ... "should permission be granted ... an informative is added" using the suggested wording below.</p> <p>Since our Subject Matter Expert has commented, we have also obtained detailed information on the number of aircraft movements at RAF Brize Norton. The station records on the number of aircraft movements (each take-off and landing being counted as one movement) indicate that broadly the 474 counted in the July 2019 period chosen for the noise survey was similar to that for the June and August of this year. However, when compared to previous years it was approximately half the level that could be expected for this time of year (907 in July 18 and 863 in July 17). It is currently envisaged that RAF Brize Norton will return to seeing the higher levels of movements seen in previous years. It should be noted that</p> |

these movement records do not include some elements such as circuits / fly pasts; but have been chosen to ensure numbers are provided on a comparable basis.

Accordingly, noise modelling and mitigation levels should reflect the higher levels of movements expected rather than the low average recorded.

#### I.16 MOD - Landowner - Safeguarding

##### Obstructions and Aviation Safety

RAF Brize Norton hosts the RAF's largest station accommodating the Strategic and Tactical Air Transport forces as well providing support for overseas operations. In the interests of safety, the airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

The application site is within an area of protected airspace known as the transitional, inner horizontal and approach surface for RAF Brize Norton. The transitional, inner horizontal, approach and take off climb surfaces are required to be kept free of obstruction from tall structures to ensure that aircraft transiting to and from or circuiting the aerodrome can do so safely.

The site of the proposed housing development also occupies the statutory technical height safeguarding zones that serve to ensure air traffic approaches and the line of sight of transmitter/receivers navigational aids are not impeded.

In this case the proposed dwellings should be no higher than 10m above ground level in order to not infringe the aerodrome height and technical safeguarding criteria.

It is recognised that cranes are likely to be used in the construction of the development that forms the subject of this application. The construction process and specifically the use of cranes and other tall plant, has the potential to have a significant impact on aviation safety. In the event that consent is granted, a condition should require that the developer submits a Construction Management Strategy in order to minimise the risk to aviation safety. A suggested wording for that condition is provided below:

##### Submission of a Construction Management Strategy

No development shall commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The construction management strategy should include, but not be limited to, providing comprehensive details of the location (whether within or adjacent to the application site), type and dimensions of any plant or crane to be utilised in the implementation of the development along with details of any obstacle lighting.

Development shall be carried out strictly in accordance with the details laid out in the approved construction management strategy (or any variation approved in writing by the Local Planning Authority) and shall be implemented for the duration of the construction period.

**REASON:** To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

#### Birdstrike

The MODs main concern relates to the creation of open water bodies, and the potential introduction of habitat that could attract or support flocking bird species deemed hazardous to aircraft safety.

The planning documents illustrate a sizeable attenuation pond to the south west of the proposed development, the applicant has provided assurance to the MOD this will be permanently dry and designed for the 1:30 year climate change (storm event) and water will dry down within 72 hours.

The proposed landscaping includes tree species such as Oak and Scots Pine, these are canopy forming trees which have the potential to attract and support arboreal and flocking birds deemed hazardous to aircraft safety. Therefore the MOD seek these species of tree be removed from the landscape plan.

There is also reference to berry bearing plant species, these also provide exploitable food source for flocking bird species deemed hazardous to aircraft safety. Therefore, the MOD require no more than 10% of the planting palette be berry bearing. To minimise the risk of birdstrike, a condition should be added requiring the submission and approval of a Bird Hazard Management Plan (BHMP). A suggested wording for that condition is provided below:

No development shall commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan should contain, but not be limited to:

- Means of managing the site during construction. During construction it is anticipated the recently turned earth, and any imported material has the potential to expose preferred food sources for flocking birds; as well as create temporary ponding or puddling which may also be an attractant to bird species deemed hazardous to aircraft safety
- Details of the maintenance regimes proposed for planting and managing landscaped areas to include the heights and species to be used (care should be taken to avoid a proliferation of berry bearing

shrubs or plants and (reduce the planting palette by 10% and those species that provide ideal roosting or feeding environments for starlings, pigeons or corvids)

- Means of monitoring any standing water within the site, whether temporary or permanent to ensure the attenuation pond drains down within 72 hours

The development and operation of the site shall be carried out in strict accordance with the details laid out in the approved Bird Hazard Management Plan (or any variation approved in writing by the Local Planning Authority) and those requirements and activities set out in the Bird Hazard Management Plan shall be implemented, operated and complied with in perpetuity, or until RAF Brize Norton is no longer operational.

Reason: To minimise and mitigate the potential for development to attract and support birds of such species that could endanger the safe movement of aircraft and the operation of RAF Brize Norton.

Noise:

The MOD advises that the proposed development will be exposed to noise from aircraft activities at RAF Brize Norton, which some residents, when living on the development, may find disturbing. My colleagues in the DIO Town Planning section will be submitting separate representation on noise issues in respect of this application.

In summary, the MOD has no safeguarding objections to this application subject to the conditions requiring the housing to be no higher than 10m agl, the submission of a construction management plan and a bird hazard management plan as outlined above to ensure the application does not impact on the operation of RAF Brize Norton.

I would be grateful if you could confirm receipt of this letter and confirm that a relevant condition covering the MOD's requirements is included in any consent granted. You are reminded that under the provisions of Planning Circular 01/03:Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas, should West Oxfordshire District Council resolve to grant planning permission contrary to MOD advice or to omit recommended conditions, notification should be provided to the MOD no less than 28 days prior to that decision being formalized.

I.17 Natural England

Thank you very much for this additional information; my main concern is not with flooding at Alvescot Meadows, but that water is not taken out of the catchment of the SSSI/Shill Brook so that the hydrological regime of the SSSI is maintained. Therefore it would be helpful to understand whether the surface water sewer that will take run off discharges within the catchment of the Shill Brook or whether

it will remove water from that local system elsewhere?

- I.18 WODC Planning Policy Manager No Comment Received.
- I.19 TV Police - Crime Prevention Design Advisor
- Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design. If these are not addressed I feel that the development may not meet the requirements of;
- The National Planning Policy Framework 2018, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. And;
  - HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive and vibrant neighbourhoods.'
- In addition, the Design and Access Statement (DAS) does not adequately address crime and disorder as required by CABI's 'Design and Access Statements- How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'.
- Therefore, to address these concerns and ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;
- Prior to commencement of above ground works, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of accreditation has been received by the authority.
- I.20 WODC - Sports No Comment Received.
- I.21 Thames Water No Comment Received.
- I.22 WODC Env Services - Waste Officer No Comment Received.
- I.23 Oxford Clinical Commissioning Group NHS
- NHS Oxfordshire Clinical Commissioning Group objects to this proposal unless there is additional investment in expanding local primary medical care capacity. Primary care is at capacity in Carterton and requires additional infrastructure to provide capacity

for population growth.

OCCG's published formula for developer contributions to health infrastructure is dwellings x average occupancy x £360. We would seek a £189,216 contribution for this development.

OCCG would allocate resources to expand existing mehealth facilities rather than create new standalone provision.

- 1.24 Town Council Carterton Town Council: welcomed the development but would like to see the flats moved further away from the bungalows in Milestone Road, as well as improvements to the junction and footpaths to address concerns over access and public safety.

## 2 REPRESENTATIONS

- 2.1 Over 30 letters of objection have been received and are summarised as follows:

### Highways

- Exit/entrance to the houses it will create too much traffic on Milestone Road
- An alternative route should be made maybe onto Black Bourton Road
- Milestone Road and Corbett Road is already a rat run for the local RAF personal
- The two accesses for the number of houses is small and will cause problems to an already busy road
- There are no parking restrictions on Milestone and if cars are parked on either side of the street 2 cars cannot pass and extra traffic will only exasperate the traffic problems.
- The proposed access between 77/75 Milestone Road is not sufficient for the proposed number of homes and vehicles
- The speed limit is not widely obeyed on Milestone Road and the additional traffic could be a danger unless Highways standards are upgraded
- The A40 is a concern especially within increase of accidents in their due to added housing
- My children can't play outside due to the current amount of vehicles speeding up and down
- My car has been hit three times in the last few years and more cars will make it worse
- the noise levels would increase both day and night and change the whole character of the community
- The Road infrastructure, particularly the A40, cannot cope with traffic travelling into Oxford as it is and that's without Brize Meadow being fully populated
- have lived in Milestone Road for approximately 55 years & during that time have seen the volumes of traffic increase to dangerous levels
- Access to the towns two larger supermarkets will cause queuing traffic on Black Bourton Road
- The access from this development is onto Milestone Road this will cause traffic chaos to the southern side of town
- reference to the fact that the south side of Milestone Road has a footpath that extends its full length is equally misguided
- There are a number of areas where residents and visitors currently park half on the road and the path.
- the footpath actually becomes unusable in places because of this and therefore, parents with prams, disabled users, joggers and walkers are forced to walk in the road at various points

## Principle

- This amount of houses will have a massive impact on the community and the local wildlife
- Unacceptably High Density. 219 homes represents a significant number of homes for the site
- Living immediately adjacent to the proposed development, i am horrified NOT to have not received, nor to my knowledge, any other properties in the immediate area, any details direct from WODC re the application
- There are too many homes being proposed for the site and no provision for self build. 5% of the developable plots are required to be self build.
- The density and lack of diversity in the housing options, combined with the proximity of the development to the RAF Base, will have an overall negative affect on the local neighbourhood, effectively creating a suburb of perceived lower quality housing
- Inclusion of at least 5% self build options would not only change the dynamics of the sight but also provide an alternative method for introducing diversity and community
- I for one have always wanted the opportunity to build locally and believe this provision should be included
- What was once a village has significantly increased into a town with the addition of Shilton Park, Swinbrook Park and Brize Meadows
- Its another attempt by greedy landowners and developers to make a quick buck at the expense of the community
- An ever increasing population need houses, but squeezing so many in is just ridiculous and greedy
- How many new housing developments do we need in Carterton?
- There are much more suitable areas around Carterton for a development of this size
- Large increase in housing developments in West Oxfordshire is also having a potential further impact in the current housing market
- Homes for sale in Carterton appear not to be selling quickly and the property prices are in some cases having to be drastically reduced to make them competitive
- Squeezing more in without the infrastructure already in place to support it is both foolhardy and unsafe both for the current residents and the potential residents who may end up in 'affordable' housing that does not provide the quality of life they were hoping for

## Infrastructure

- Wonder if the people who grant these proposals take into consideration the infrastructure of the town?
- Schools are full to capacity and most Carterton residents are waiting sometimes more than three weeks for a Doctor's appointment
- If there were less houses more spaces to park (each house with 3 spaces) and building of doctors and park /childrens play ground it may be more appropriate to the area of town
- Increased strain on schooling, medical and dental care that needs to be accounted for
- How can increasing population numbers further be sustainable to the local community and existing residents access to services
- One bank machine to service the whole of Carterton and no bank, police station rarely staffed and lack of jobs for existing residents alone

## Design

- Will the houses be built with the in keeping of the existing road as per I had to adhere to when construction of my house and of extensions as well as others I know on the road
- It seems its a development of squeeze them in to every space possible like most new estates these days, I suppose its all about the money for them, more they build more they make
- The proposed house types on the Milestone Road boundary are completely out of keeping with existing properties in the area, not least of all, plots 68/69/70/71/72 and 73 as well as plots 74/75/76/77/78 and 79.
- To put an ugly housing estate over looking these matured and well landscaped properties is completely out of keeping with the area
- If this area were to be developed it should be done within the style of the houses which it flanks. Bungalows, not high density housing and flats
- The layout and density of the proposed development is also inappropriate and not in keeping with the existing properties along Milestone Road

## Residential amenity

- I have 2 windows on that elevation (1 ground and 1 first floor) both will have their privacy compromised
- The proposed construction would be approximately 1 metre from my boundary fence.
- Worried as to whether the strip of land next to our property Nr 89, is going to be used as a thoroughfare by the new residents, as our bedrooms are directly next to this piece of property
- The density and quantity is such that, in some cases there is the potential for loss of light, overshadowing, overlooking and loss of privacy of neighbouring properties and their boundaries.
- The development is also planned on the boundary of the RAF base and also an Industrial estate which I would imagine won't be very pleasant for residents
- Visual disturbance including light pollution caused by such a dense number of properties, their vehicles and street lighting.
- The light pollution along the south of Milestone Road is already high due to the light produced from the buildings situated on RAF Brize Norton running parallel to Milestone Road
- The houses are planned to be built much too close to existing properties.
- The noise from the airfield, although better than in previous years, is still too great to allow residents acceptable comfort.

## Environment

- Significant concerns regarding the local environment from a wildlife habitat, surface water attenuation and run off
- Developing the area will result in the loss of a significant amount of green space, trees and the open aspect of the neighbourhood, removing the habitat for many species
- The local drainage system is already under significant strain and is not proving to be a sustainable drainage system

- Although there is provision being made for a pumping station, it will only serve to move the problem further downstream
- The current unpaved site significantly slows the rate at which surface water enters sewers and water courses and it significantly reduces the risk of downstream flooding in the Shill Brook and on RAF Brize Norton Air Base
- Flooding is a concern due to the constant increase of climate change
- If this development gets the go ahead you may as well say bye bye to what wildlife we have in the area
- Areas of the land have been exposed to 'serious' contamination by Japanese Knotweed and the area adjacent to Milestone Road is contaminated by the historic use as a 'scrap yard' .... as identified by previous planning applications.
- There is a lot of wildlife in that land, badger and fox sets also, and breeding red kites
- Am extremely concerned with flooding due to drainage and surface water!
- We already see rivers of water coming down the road (The Crescent) and down our drives during heavy rain with garages and gardens flooding
- One of our neighbours also required Thames water to come out to carry out a waste clean up operation in their back garden due to the drains overflowing washing human waste all over the garden!
- With the increase in climate change there is a danger of more frequent severe weather resulting in further flooding to our properties.
- This land is currently dense in trees, shrubs and other foliage which is habitat to and currently rich in many species of birds and wildlife.
- This planning proposal will remove this habitat entirely causing a decline in the population of birds and wildlife in the area; birds and wildlife which play a vital part in regenerating the local flora throughout Carterton
- Many existing trees along Milestone Road have been un-accounted for on this site plan which is a cause for concern
- The proposed development includes very little landscaping other than areas of allocated garden space which may or may not be retained as 'green space' by new residents
- it's been known for otters frequent the gardens in Milestone Road
- increase in housing developments in Carterton is reducing green space and areas to relax and enjoy themselves
- people have to travel further away from Carterton in order to enjoy green spaces
- Muntjac deer currently residing in this area

#### Other

- When we first moved into this property the Surveyor notified us of the high Radon levels on the property, and while this is a natural gas, the proposed houses are even nearer to the airfield so it is questionable as to whether the levels are acceptable
- we (the Town People) were told over a period of many years, the land was to be used as a burial ground - this would solve the already overcrowding of the cemetery in Black Bourton
- I understand that areas adjacent to the Airfield were subject to a covenant restricting future development - this dates back to the occupancy by the USAF
- Our suggestion would be to reduce the number of properties on the new proposed development, lessening the impact on the surrounding roads, town, infrastructure and local amenities. We suggest removing the strip of properties directly adjacent to the existing Milestone Road properties on the south side. In their place we would propose a wide buffer strip rich in green space, to include tall trees, shrubs, hedges and plant life which

would retain some of the natural environment, bird and animal life as well as providing essential privacy for all effected residents of Milestone Road. It is our suggestion also that the properties along milestone road be adequately fenced off to the south side (with solid adequate height fencing) from any new development to retain privacy and security as well as reduce noise and light disturbance

- 2.2 One letter of support has been received from the landowner of 79-81 Milestone Road which forms the rest of the allocated site.

My first knowledge of this Planning Application was to see the formal notice fixed to the telegraph pole next to 75/77 Milestone rd. I happen to be the owner of 79/81 Milestone rd the former Doris Watts Care Home, which is in this allocated site, and was approved a planning consent on the 5th December 2011, planning reference No 11/1916/P/FP, but I was not consulted as part of this Application process by the owners! I am fully aware of the 'Rat-Run' and the increased traffic flow from this development, and would suggest that the following Highway improvements be provided by the Developers.

1. A wider Vision Splay for the access between 77-75 Milestone Road which will avoid vehicular accidents.
2. An offset mini roundabout, as a traffic calming measure.

Should land not be available at this location, then I am prepared to negotiate with the Developer and to provide items 1 & 2 to support improved Highways Infrastructure, as I have noted the comments that have been recorded so far by other Residents of Milestone Road.

The Benefits to this whole Community are indeed astounding, to make such an Affordable Housing provision considering the Housing Waiting List is truly commendable, and combined with true Conservative objectives, this Government have promised that all tenants in RSL/Housing Association Houses can have "Shared Ownership" giving our young families a chance to become homeowners and to contribute to our society with the distinct pride in eventually owning their own Homes.

However Highway matters are very important for the safety of our children, so with the improved suggestions by others, I am happy to contribute to this Allocated Site in a positive way, and it is only down to the Developer accepting the Highway advice as it comes from local knowledge of this part of Town, and from caring people.

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

- 3.1 The proposal is accompanied by a number of supporting documents which are available to view online. The Planning Statement submitted with the application is concluded as follows:

- The development plan for the purpose of this application is comprised of the West Oxfordshire District Council's Local Plan 2031 (adopted September 2018). The principle of residential development in this location is established by Policy CA2 'Land at Milestone Road, Carterton' of the Local Plan which allocates the site for around 200 dwellings.
- It is considered that the proposals deliver an appropriate density (a density of 38 dwellings per hectare) on a scheme of high quality design and comply with the relevant policies in the

adopted Local Plan. There are no material considerations which indicate that the application should not be determined in accordance with the development plan.

- In the context of the three dimensions to sustainable development: economic, social and environmental (listed in the NPPF) the proposal will:
  - provide jobs associated with the construction of new homes;
  - lead to additional expenditure in Carterton to the benefit of local services and facilities boosting their vitality and viability;
  - boost the supply of housing including 200 affordable homes;
  - reduce the need to travel by private car through providing residential development in a sustainable location; and
  - have excellent access to a range of services, facilities and public transport modes.
  
- In conclusion, the proposed development is in accordance with the relevant policies of the development plan as well as the National Planning Policy Framework. There are no insurmountable technical issues that should prevent permission being granted and therefore, it is respectfully requested that planning permission is granted without delay.

#### **4 PLANNING POLICIES**

CA2NEW Land at Milestone Road, Carterton

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T2NEW Highway improvement schemes

T4NEW Parking provision

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The proposal seeks full planning consent for 214 dwellings with associated landscaping, drainage and parking. The application has been amended in terms of the description (it was initially for 219 dwellings) and submitted drawings to address a number of consultee concerns.
- 5.2 The site is to the south of Milestone Road and immediately to the north of RAF Brize Norton. It was formally rear gardens to properties in Milestone Road but it is fenced off and is currently grassed over. The Carterton Mobile Home Park is to the west and Carterton Industrial Estate to the east of the site.
- 5.3 In terms of planning history, in 2012 committee considered a full planning application (12/1019/P/FP) for a 93 bed Extra Care unit and an outline application for the erection of residential development and formation of access road (12/1020/P/OP) and resolved to approve both but the legal agreements were never signed and the applications were finally disposed of.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.5 The site is allocated in the Local Plan 2031 under policy CA2 for around 200 houses on a slightly larger site area which included 79-81 Milestone Road. Unfortunately they have not come forward as a comprehensive scheme but we have to consider the scheme as submitted. The proposal is for a mix of 1-4 bed houses and apartments, ranging from single storey to three storey.
- 5.6 Policy CA2 requires that proposals for development should be consistent with the following:
- a) provision of a mix of house types and tenures including affordable housing in accordance with Policy H3 - Affordable Housing;
  - b) provision of satisfactory vehicular accesses from Milestone Road via a through road and appropriate pedestrian and cycle connections;
  - c) appropriate provision of and contributions towards essential supporting infrastructure, including the provision of supporting transport infrastructure, including mitigating the impact of traffic associated with the development; the provision of appropriate financial contributions towards LTP4 transport schemes; provision of appropriate public transport (services and infrastructure) serving the site; and provision of a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas and other key destinations.
  - d) development to take account of the height, scale and density of surrounding buildings;
  - e) where necessary, provision of noise mitigation measures to take account of potential noise from RAF Brize Norton
  - f) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.
  - g) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.

h) the developer will be required to set aside 5% of the developable plots for those wishing to undertake custom/self-build.

- 5.7 In terms of criteria a) the scheme is proposing 91% affordable provision which is significantly higher than the 35% sought by the policy. Because of this the proposal cannot bear all of the S106 contributions that have been requested by 3rd parties including the Oxfordshire Clinical Commissioning Group and OCC as they total £4,727,972. We have commissioned an independent viability assessment to consider what the scheme can bear in terms of contributions so we can balance the provision of affordable housing with the provision of infrastructure that is required for the additional 214 dwellings, effectively weighing up criteria a) and criteria c) of the policy above.
- 5.8 The applicants requested that the application be considered at the March committee as they are seeking grant funding which requires a planning permission by the end of March. Additional information was requested by the independent assessors on the 13th February and unfortunately the applicants did not respond for two weeks so there has been a delay in this assessment. Until the outcome of the assessment is known, officers are not in a position to make a recommendation.
- 5.9 In respect of criteria d) above, the initial scheme was not considered to be of a high enough quality in terms of its design and layout. Alternative schemes have been drawn up to address officer concerns and a final version was submitted on Friday 28th February. This has been readvertised and further consultations have been undertaken and the expiry date of that extended period is the 20th March. It is hoped officers may be able to update members further in the additional representations report but clearly the chances of being in a position to make a recommendation are slim, and it would normally be expected that a development of this scale would not be pushed through in advance of adequate consultation.

### Conclusion

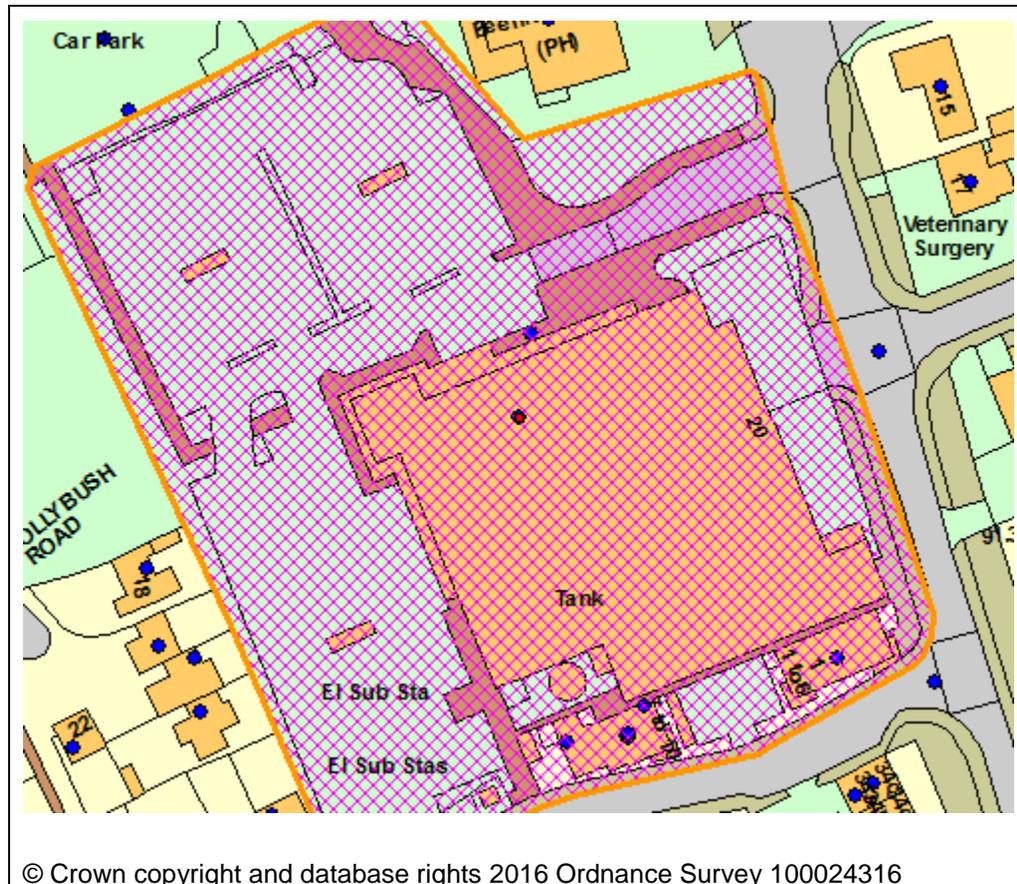
- 5.10 At the time of agenda preparation there are still key consultation responses outstanding on the amended plans and the viability assessment has not been received so the S106 package has yet to be finalised. Officers are therefore presenting the application in order that Members can advise as to whether there are any further key issues that they would wish the final report to address.
- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers do not consider that the proposed development is yet in a position to receive a recommendation and as such would advise that it is DEFERRED pending a full report and recommendation in due course.

## **6 RECOMMENDATION**

The application is recommended for deferral to await the outcome of the viability assessment and the conclusion of the reconsultation period.

|                         |  |
|-------------------------|--|
| Application Number      | 19/02914/S73   |
| Site Address            | Morrisons<br>20 Black Bourton Road<br>Carterton<br>Oxfordshire<br>OX18 3HA |
| Date                    | 4th March 2020   |
| Officer                 | Joan Desmond   |
| Officer Recommendations | Approve  |
| Parish                  | Carterton Town Council   |
| Grid Reference          | 428091 E 206614 N  |
| Committee Date          | 16th March 2020  |

### Location Map



### Application Details:

Non compliance with condition 1 of planning permission 14/0498/P/S73 to allow changes to delivery times to Deliveries to the food store shall only take place between the hours of 0500 and midnight Monday to Saturday and 0600 to 2300 on Sundays and Bank Holidays and at no other times

### Applicant Details:

Hilmore House, Gain Lane, Bradford, BD3 7DL

## **I CONSULTATIONS**

- 1.1 WODC Env Health - Lowlands I have spent some time on site and made some observations. I think there is reasonable scope to cover the existing entry steel framework gates/fence with a proprietary acoustic covering/material which would lend to the containment of noise breakout from unloading activities.
- I think the requirement that for deliveries which occur between 23:00 and midnight and 0500 hours and 0700 hours shall allow for the unloading of goods with no empty cages/pallets being loaded onto the delivery vehicle is a good one.
- 1.2 Town Council Object - Deliveries in the early hours or late at night would be detrimental to residents living adjacent to the store.

## **2 REPRESENTATIONS**

- 2.1 2 letters have been received objecting to the application on noise nuisance and inconsiderate parking grounds.
- 2.2 Cllr Crossland - This app seems to come up once a year. I always object to any variation in the permitted delivery times on the grounds that such activity would introduce unwelcome noise into a residential area when local people can reasonably expect to be enjoying a peaceful night's sleep. You will note that Morrisons is sited beside Black Bourton Road, Butlers Drive and Wycombe Way - all residential roads. The residents in flats adjoining Morrisons would be particularly badly affected. For the reason of noise at an inappropriate time I object to this application.

## **3 APPLICANT'S CASE**

- 3.1 The main thrust of the case in support of the proposal can be summarised as follows:
- The current delivery restrictions are unreasonable and unnecessary having regard to the Acoustic Assessment;
  - The Acoustic Assessment has confirmed that the extended delivery hours would not have an adverse impact on residential amenity;
  - It would ensure the delivery system to the Morrisons store operates more efficiently with associated economic, social and environmental benefits;
  - It would give rise to a number of significant benefits to serve the overall public interest. They are material to the decision-making process and we believe they are compelling; and
  - It does not conflict with the policy direction in the statutory development plan and/or the other material policy considerations.
- 3.2 In the absence of harm, and taking into account the tangible positive benefits arising from the proposal, we respectfully request that planning approval be granted.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

EH8 Environmental protection

NPPF 2019

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

## **5 PLANNING ASSESSMENT**

- 5.1 Morrisons is located within Carterton, off Black Bourton Road. A pub adjoins the site to the north east with residential properties adjoining to the west, east and south. On the opposite side of Black Bourton road, there is a mix of properties including a veterinary surgery and sorting office. The service/delivery yard is located in the eastern side of the store and is parallel to Black Bourton Road. It accessed via a mini roundabout which forms the junction with Black Bourton Road/Wycombe Way. The yard is accessed by a large steel gate, with the yard itself enclosed by the supermarket to the west and south, and delivery yard wall on the eastern perimeter boundary.
- 5.2 This application is to be heard before the Lowlands Planning Sub-Committee as the Parish Council has objected to the proposal.
- 5.3 An extension of time was required to determine this application because of condition considerations and its requirement to be reported to Committee.
- 5.4 An application (Ref:15/04042/S73) for non-compliance with condition I of planning permission 14/0498/P/S73 to allow deliveries of stock to or from the store, or handling of stock outside, between the hours of 0500 and midnight Monday to Sat, and 0700 - 2300 hours on Sundays and bank holidays was refused planning permission in November 2015 on the grounds that it had not been demonstrated that the extension of opening hours would not give rise to unacceptable noise impact to neighbours adjoining the store or sited along the delivery route.
- 5.5 This application again seeks to vary condition I attached to a S73 application (14/0498/P/S73) which varied the delivery hours of the original planning permission for the store (12/1217/P/FP). The 2014 permission allowed deliveries to take place between 0600 and midnight Monday - Saturday and between 0700 - 2300 hours on Sundays and Bank Holidays. This application seeks to further extend the hours to 0500 - midnight on Monday - Saturday and from 0600 - 2300 on Sundays and Bank holidays. The application in essence seeks to allow deliveries one hour earlier on all days.
- 5.6 The Planning Statement submitted with the application, states that the store has difficulty unloading vehicles, unpacking products and stocking shelves with fresh produce ready for the store opening to customers. As such, the current delivery restrictions create an inefficient environment; in a morning, the store is preparing to open to customers (7am opening, Monday-Saturday), and pressures are created by the time-constraints on accepting and unloading deliveries. Early morning deliveries are required to ensure shelves are stocked ready for opening; deliveries of fresh produce are not possible the night before as the produce will not be in situ at the Regional Delivery Centre by the time the delivery leaves the premises to ensure compliance with existing restrictions. Staggered deliveries to the foodstore would mean that each vehicle can be unloaded in an efficient manner whereas attempting to unload several

vehicles within a very limited time can lead to inefficient work and excessive noise due to the need to work as quickly as possible.

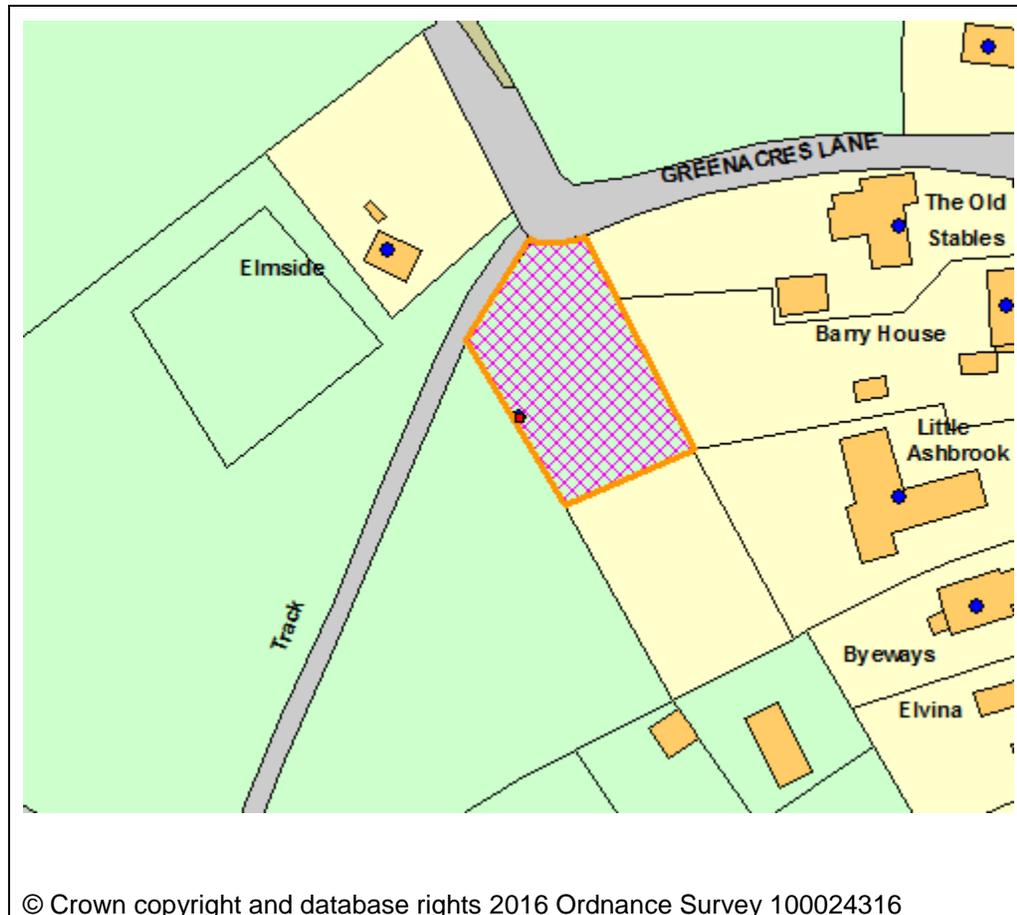
- 5.7 The nearest houses to the delivery bay are to the east at 15 Black Bourton Road (40m) and 23 Black Bourton Road (30m) and residential units lie to the south immediately behind the store. Objections have been received from the Parish Council and local residents on potential noise nuisance grounds. A noise assessment has been submitted with the application which concludes that predicted delivery activity noise during the additional hours sought would comply with the requirements of the NPPF to avoid significant adverse impact.
- 5.8 The Environmental Protection Officer has visited the site during delivery hours and has commented that he considers there is reasonable scope to cover the existing entry steel framework gates/fence with a proprietary acoustic covering/material which would lend to the containment of noise breakout from unloading activities. He has also advised that for deliveries which occur between 23:00 and midnight and 0500 hours and 0700 hours should allow for the unloading of goods with no empty cages/pallets being loaded onto the delivery vehicle as recommended in the noise assessment report.
- 5.9 The application is thus recommended for permission subject to noise mitigation conditions as recommended by the Environmental Protection Officer.

## **6 CONDITIONS**

- 1 Deliveries to the food store shall only take place between the hours of 0500 and midnight Monday to Saturday and 0600 to 2300 hours on Sundays and Bank Holidays and at no other times.  
REASON: To limit the potential for noise to harm to neighbouring residents.
- 2 Deliveries which occur between 2300 and midnight and 0500 hours and 0700 hours shall only unload goods, with no empty cages/pallets being reloaded onto the delivery vehicle.  
REASON: To limit the potential for noise to harm to neighbouring residents.
- 3 Prior to implementation of the new delivery hours, a Noise Management Plan (NMP) detailing noise control policies and procedures associated with minimising noise from deliveries shall be submitted to and approved in writing by the Local planning Authority.  
REASON: To limit the potential for noise to harm to neighbouring residents.
- 4 Prior to implementation of the new delivery hours, the [metal gate] entrance to the service yard area shall be treated with an acoustic barrier covering /curtain in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: To limit the potential for noise to harm to neighbouring residents.

|                         |   |
|-------------------------|---|
| Application Number      | I9/03403/FUL  |
| Site Address            | Land South of Elmside<br>Greenacres Lane<br>Aston<br>Bampton<br>Oxfordshire |
| Date                    | 4th March 2020  |
| Officer                 | Stuart McIver   |
| Officer Recommendations | Refuse  |
| Parish                  | Aston, Cote, Shifford And Chimney Parish Council                            |
| Grid Reference          | 433756 E 203163 N   |
| Committee Date          | 16th March 2020   |

### Location Map



### Application Details:

Erection of dwelling with associated works.

### Applicant Details:

Mrs Cole, C/O Walker Graham Architects.

## I CONSULTATIONS

### I.1 Parish Council Planning Application 19/03403/FUL

The members of Aston, Cote, Shifford & Chimney Parish Council considered the above application for land south of Elmside, Greenacres Lane, Aston at a meeting of the Parish Council on 20th January 2020.

The Parish Council does not wish to object to the application. However, the Parish Council would like to reiterate the original comments as made in the original planning applications 18/00446/FUL and 18/03576/FUL for consideration:

- o We would like the District Council to ensure that the applicant prepares and agrees a construction traffic management plan with the District Council before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane, as such parking could cause a highway safety hazard. Furthermore we would like there to be a requirement placed on the applicant that no construction traffic passes Aston & Cote Primary School on Cote Road, in the interests of highway and pedestrian safety;

- o Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, The Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents

### I.2 OCC Highways

The red line application area does not include access to the highway 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

### I.3 Conservation Officer

As before, from our point of view it is the principle of this that is problematic - as this isn't an appropriate site for such development. I can only repeat my previous comments, thus:

The existing morphology of this part of Back Lane is very much linear,

lining the road, and of single dwelling-depth. Elmside is something of an anomaly; it is a modestly sized outlier, and development adjacent to this would not represent a logical addition to the settlement - rather it would consolidate the anomaly, pushing the built form more firmly into the countryside.

I.4 ERS Env. Consultation Sites

Section 2.9 of the Design and Access Statement states that the likelihood of contamination is remote and as such a contaminated land survey has not been submitted. The development site is described as rough ground, a part of Kingsway Farm.

Review of the historical maps and aerial photographs we hold suggest that various small structures have been present on the site over time. Please could the applicant confirm that no fuels or other potentially contaminating substances have been stored or used on the site. Depending on the response to this question I would likely request a precautionary contamination condition to be added to any grant of permission.

I.5 WODC Landscape And Forestry Officer

No Comment Received.

I.6 WODC Planning Policy Manager

No Comment Received.

I.7 WODC Drainage Engineers

Condition requesting a full surface water drainage scheme.

## 2 REPRESENTATIONS

Two letters of objection have been received in respect of this planning application. The comments have been summarised as:

- The proposals would not represent infilling but an extension of the village. Does not follow the existing pattern of development.
- Traffic Generation - an increase in traffic using Back Lane would be detrimental to highway safety and to the safety of pedestrians. Permission was recently refused at Ferndale, Back Lane on highway safety grounds.
- The development would be overbearing and would have an adverse visual impact on the surrounding properties.
- The development would have an adverse impact on biodiversity.
- There is no additional need for a four bedroom house in the village.
- The development would have an adverse impact on the character of the area, including the Conservation Area.
- The development would have an adverse impact on existing properties by reason of overlooking and the increase in vehicular use of Greenacres Lane. The development would cause light pollution and spillage.
- The development would be out of character with the appearance of the surrounding area.
- Existing sewerage infrastructure will be unable to cope with the proposed development.

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

- 3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:
- 3.2 The planning application is a resubmission, following a refusal of planning application ref: 18/00446/FUL, determined on 22nd May 2018 and a subsequent planning application ref: 18/03576/FUL, withdrawn on 11th February 2019.
- 3.3 The proposed dwelling has been designed to meet the family needs of the applicant and for them to remain living together within Aston. The proposal constitutes infill development and follows the existing pattern of development in Aston of houses fronting village lanes.
- 3.4 The proposal is in accordance with the relevant paragraphs of the NPPF.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
EH2 Landscape character  
EH10 Conservation Areas  
EH13 Historic landscape character  
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 proposal is a resubmission of refused application 18/00446/FUL and withdrawn application 18/03576/FUL.  
The proposal seeks consent for the erection of a detached dwelling and associated works on an area of agricultural land located beyond the main built up limits of Aston.  
The application site is to the south of Greenacres Lane and is located adjacent to three existing properties; The Old Stables and Barry House to the east and Elmside to the North West. The site is located within the Aston Conservation Area. The application site forms part of a wider agricultural field.  
  
The application is to be heard before the Committee as the Parish Council has not objected to the proposal.
- 5.2 Relevant planning history:
- 18/00446/FUL - Erection of dwelling with associated works - Refused. The reasons for refusal were as follows:
- I. By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the

Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development.

Consequently the proposals would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, EH1 and EH7 of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 17, 64, 109 and 134

2. The design, scale and form of the dwelling as proposed would appear incongruous within the context of the immediate built form and would fail to harmonise with the existing settlement character. Consequently the proposals would fail to preserve or enhance the setting of the Conservation Area. The proposals would be contrary to Policies BE2, BE5 and H2 of the Existing Local Plan 2011; Policies OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraphs 17 and 64 of the NPPF.

18/03576/FUL - Erection of dwelling with associated works was withdrawn.

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

Principle/Siting  
Impact on Conservation Area  
Residential Amenity  
Highways

Principle/Siting

- 5.4 Since the West Oxfordshire Local Plan was adopted the Local Authority has a confirmed and deliverable 5 year housing land supply.
- 5.5 The application site is located on the edge of Aston, which is listed as a village under the provisions of Policy OS2 of the Adopted Local Plan 2031. Policy H2 allows in principle for new dwellings in villages, where this constitutes infilling or a rounding off of the existing settlement area. Your officers consider that this proposal is neither infilling nor rounding off. Policy H2 is also permissive in principle of new dwellings on undeveloped sites within villages. On greenfield sites such as this adjoining the settlement area it is permissive only where this is necessary to meet an identified need and where the development is considered to be compliant with the general provisions of Policy OS2. In all instances it is expected that the development should form a logical complement to the existing pattern of development in terms of its siting.
- 5.6 The proposed dwelling would be sited to the west of the rear curtilage area of two existing dwellings fronting Back Lane, The Old Stables and Barry House. There is also an existing dwelling to the north west of the site, called Elmside. The application site forms part of a wider agricultural field, the character of the area is semi-rural and there is no built form to the south or north of the site. Elmside is an outlying dwelling and is somewhat detached from the settlement edge of Aston. The surrounding development to the east fronts Back Lane, with the rear gardens facing the application site.
- 5.7 Whilst there is built form adjacent to the proposed dwelling, your officers consider that the siting of the development would neither round off the settlement edge nor would it form a

logical complement to the existing pattern of development owing to the positioning of the existing built form and the somewhat dispersed pattern of development within this part of the village. In this sense the proposals would constitute a backland form of development beyond the natural built form of the village.

- 5.8 Given that the natural settlement edge extends up to the properties fronting Back Lane, your officers consider that the proposal would represent an encroachment beyond the natural limits of the village into a wider agricultural field, which would be of detrimental to the character and appearance of the settlement, conservation area and local landscape character.
- 5.9 The applicant identifies a need for a specific family to remain within the village. Notwithstanding the period of time that the family has resided in the locality, Government advice is that a decision " to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building....". Given that the proposed dwelling does not deliver affordable housing or other public benefits, it would result in the delivery of an additional market house which is not needed to meet the council's 5 year housing land supply. Consequently your officers consider that the proposed development would fail to comply with the provisions of Policies OS2 and H2 of the Adopted Local Plan and the personal circumstances would be insufficient to warrant setting these policies aside.

#### Impact on Conservation Area

- 5.10 Within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.11 The character of the immediate area is semi-rural and the site forms part of a wider open field. The area to the rear of Back Lane and Greenacres Lane consists of open field and paddock land, including the application site and the land to the north of the application site. The Conservation Area boundary for Aston extends beyond the settlement limits and includes open fields and areas of countryside beyond the built up area specifically because of the importance of these open spaces and their contribution to the rural character of this particular part of the settlement.
- 5.12 The sites contribution to the Conservation Area is taken from its open, undeveloped and rural character, which would be eroded by the addition of the dwelling and associated works including hardstanding, particularly as the siting would be largely uncomplimentary to the existing pattern of development. As Greenacres Lane is a private road, it is considered that public views of the proposed dwelling would be limited; however your officers would still consider that the siting of the dwelling would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character.

### Residential Amenity

- 5.15 The proposed dwelling would be sited adjacent to three existing dwellings. There would be a separation distance of 20 metres between the proposed dwelling and Elmside and a separation distance of 40-60 metres between the proposed dwelling and The Old Stables and Barry House.
- 5.16 Whilst the proposed dwelling would be visible from the rear of The Old Stables and Barry House, your officers consider that the proposed siting and separation distance is sufficient to ensure that the dwelling would not have a detrimental impact on overbearing, loss of light, overlooking or loss of privacy. Your officers also consider that there is sufficient separation between the proposed dwelling and Elmside.

### Highways

- 5.17 The site would be accessed via Greenacres Lane, which is a non-tarmac, narrow private road. The proposed dwelling would generate a relatively low level of additional traffic and your officers consider that the minimal additional traffic generation which would arise would not be detrimental to highway safety or amenity. Parking is provided within the site for two vehicles, which is considered to be sufficient for the scale of the proposed dwelling. Oxfordshire County Council Highways were consulted during the planning process and raised no objection.

### Conclusion

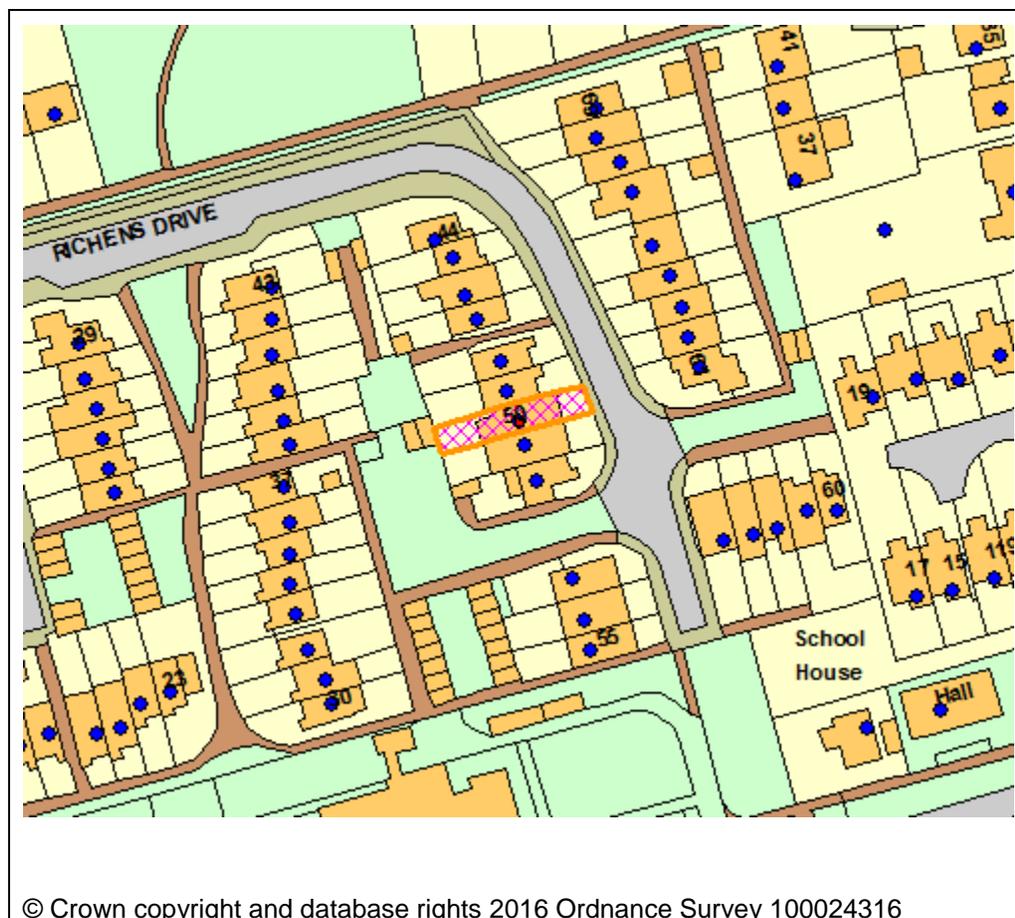
- 5.18 For the reasons outlined the siting of the proposed dwelling would fail to respect the settlement character and would harm the character of the Conservation Area. Consequently the proposal would result in 'less than substantial' harm to the character of the Conservation Area and when assessed in relation to the balancing exercise required under Paragraph 134 of the NPPF, your officers consider that the level of harm would fail to be outweighed by the limited public benefits of the proposed development.
- 5.19 Your officers additionally consider that the proposed development would fail to comply with the provisions of Policies OS2, H2, EH2, EH10 and EH13 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF 2019. In light of the above the application is recommended for refusal.

## **6 REASON FOR REFUSAL**

- 1 By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposal would fail to comply with the provisions of the adopted West Oxfordshire Local Plan Policies OS2, H2, EH2, EH10 and EH13.

|                         |  |
|-------------------------|--|
| Application Number      | 20/00016/HHD   |
| Site Address            | 50 Richens Drive<br>Carterton<br>Oxfordshire<br>OX18 3XU |
| Date                    | 4th March 2020   |
| Officer                 | Kelly Murray   |
| Officer Recommendations | Refuse   |
| Parish                  | Carterton Town Council                                   |
| Grid Reference          | 427515 E 206827 N  |
| Committee Date          | 16th March 2020  |

### Location Map



### Application Details:

Erection of porch.(Retrospective)

### Applicant Details:

Mr Phil Caswell, 50 Richens Drive, Carterton, Oxfordshire, OX18 3XU

## **I CONSULTATIONS**

- 1.1 Town Council No objection.

## **2 REPRESENTATIONS**

- 2.1 There has been one objection to the application, from the occupant of no. 49:-

"We live next door at No49 and we objected strongly at the first planning application due to it being an eyesore to the neighbourhood it also blocks the light coming into our front room. No50 had an original extension built by the builders Mr Caswell had added another extension onto it and its size from our front room window to the end of the extension is 8ft which is horrendous.

The original planning application was refused as was the subsequent appeal. At the time Mrs Maxine Crossland put forward a compromise which was that Mr Caswell was to take the

Enforcement by the council was never enforced as it should have been!!!. This is totally unacceptable as Mr Caswell is breach of the above. Also it is a total disregard for the rules and the law at the time. My requests as to what was being done about the "extension " were not answered to our satisfaction further requests were "ignored ".

We therefore object in the strongest way possible to this extension and he should be made to comply with the original order."

## **3 APPLICANT'S CASE**

- 3.1 The porch is required as a downstairs toilet has had to be installed in the only available location in the property, this being the original entrance to the property. Due to my disability and worsening mobility a downstairs toilet is a necessity and has had a significant positive impact on my quality of life since the toilet was built.
- 3.2 The application is being submitted retrospectively and also as advised by the WODC Planning Office following an earlier application being refused, cross-reference application 17/03250/HDD, submissions to the Lowland Committee and the appeal to the Planning Inspectorate (APP/D3125/D/18/3202448).
- 3.3 The option of replacing the supporting wooden post/pillar with a bracket is another alternative as shown in attached photos. The walls that it is proposed be retained are at a lower level than the current fencing and as such to not exceed the regulations relating to the height of fencing/wall. The retention of a canopy will provide an element of protection whilst also not interfering with the integrity of the EPDM covering of the entire front roof and invalidating the warranty.
- 3.4 Quotations for work (relating to the removal of 40cm of the Porch etc) have been forwarded to the Enforcement Officer under separate email but can be provided on request.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 This is an application for alterations to a porch that was built without planning permission in 2017 and the erection of wooden posts and a canopy. The site is a mid-terraced dwelling at Richens Drive in Carterton. The row of dwellings is staggered, with numbers 50 and 51 standing forward of numbers 48 and 49. What is proposed within the current application is removal of part of the porch to bring it within permitted development tolerances, but with retention of walls to either side of the porch and the addition of a canopy supported by wooden posts.
- 5.2 Members may recall that they considered an application in 2018 to retain the porch which, as built, falls outside the permitted development limits of 3 square metres in floor area. Following a site visit, Members resolved to refuse the application on the grounds of its being intrusive and overbearing and blocking light to the neighbour at no. 49. On appeal by the applicant, the Planning Inspector stated that in his view the porch, whilst not harming the off-street parking provision at the property, does harm the character and appearance of the area and the living conditions of the neighbouring occupant. The appeal was accordingly dismissed.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.4 The principle of an extension is acceptable.

### Siting, Design and Form

- 5.5 The terrace of houses is staggered and no. 50 already stands forward of nos. 48 and 49. The porch extension further accentuates this, so that as built it projects noticeably much further forward than other front extensions along the length of the terrace and other terraced development fronting on to Richens Drive. What is proposed will remove a small front section of the porch so that what is left would fall within permitted development rights. However, pillars will be retained to either side of the front of the retained porch that will measure 93cm tall, 33cm wide and 41 cm deep and a canopy added that will project over the retained walls. The effect of the changes would be to reduce slightly the massing of the porch due to the gap created between the proposed canopy and the top of the walls, however, the built form would still stand considerably forward of the original front elevation (by some 173 cm) and taking into account the staggering, would continue to project forward of number 49 by over 5 metres.

- 5.6 The Planning Inspector in the appeal stated that the extension, although not significantly larger than would be allowed under permitted development rights is very visible and its location and the extent to which it protrudes is exacerbated due to the distance by which the property stands forward of no. 49.
- 5.7 Despite the fact that the revised area of the porch considered in isolation would be within permitted development limits, the additional works bring this development under control and therefore the whole structure falls to be considered. It is Officers' view that the proposed alterations do not materially alter the size, massing and extent of projection of the structure forward of the original elevation and that the development would be alien and incongruous and therefore harmful to the character and appearance of the area.

#### Residential Amenities

- 5.8 In the appeal against refusal of the previous application, the Planning Inspector considered the current porch to be clearly visible from the living room window on the ground floor of no. 49. He went on to state:-

"Although the extension is single storey, the very close proximity of the development to the boundary with the neighbour creates a development that appears prominent and visually intrusive. Even if the proposal does not impact on the light into these windows and does not generate any harm with regards overlooking, the scale and massing of the extension has an overbearing impact harming the outlook of the occupants of the neighbouring dwelling."

Considering what is now proposed, the length of the structure will be unchanged and will remain very prominently visible from the primary living space of the neighbouring property. Regardless of the changes, the development will, due to its scale and massing be likely to reduce the light to the detriment of the neighbour's residential amenity and will in any event continue to adversely affect its outlook.

#### Public Sector Equality Duty

- 5.9 Under section 149 of the Equality Act 2010, public authorities must, in the exercise of their functions, have due regard to removing or minimising disadvantages to disabled persons through considering the need to take steps to take account of their disabilities. In this case the applicant suffers from a disability, however Officers are not satisfied that any particular benefits of the enlarged porch area to the applicant as a disabled person are outweighed by the identified significant harm.

#### Conclusion

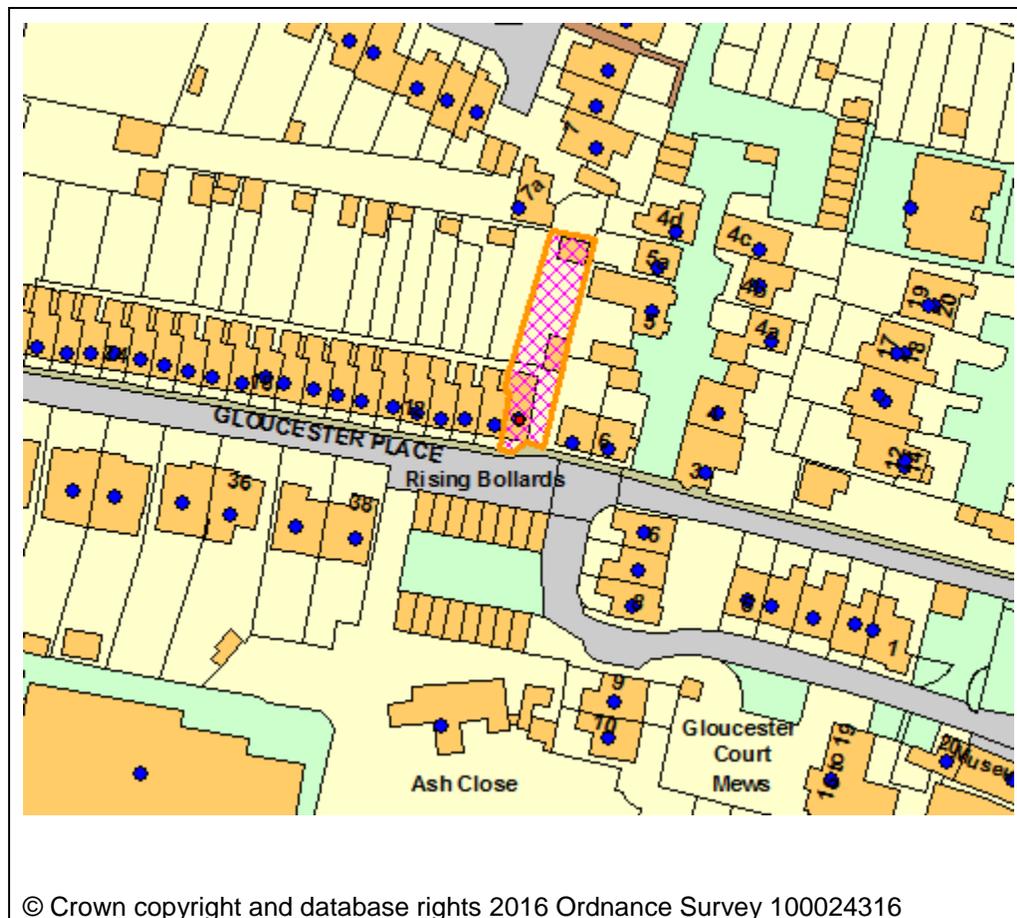
- 5.10 Despite the proposed changes to the design and form, the scale and massing of what is proposed would continue to have a highly detrimental visual impact both on the character and appearance of the area as seen from the street scene and an overbearing impact on the residential amenity of the neighbour and is in Officers' view unacceptable.
- 5.11 The application is considered to be contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

## **6 REASON FOR REFUSAL**

- I The proposal by reason of the disproportionate size and scale of the porch combined with the proposed pillars and canopy appears intrusive and overbearing, failing to form a logical complement to the existing scale and pattern of development in the vicinity and as such is incongruous in the street scene and harmful to the character and appearance of the area. Further, by reason of the combined length of the existing gable and the porch extension with additional pillars, one of which is along the common boundary with the neighbour, the scale of the development has an overbearing impact on the outlook of the primary living space of the occupiers of 49 Richens Drive and reduces its access to natural light. As such, the proposal is considered contrary to policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031 and relevant policies of the NPPF as revised in 2019.

|                         |   |
|-------------------------|---|
| Application Number      | 20/00099/HHD  |
| Site Address            | 8 Gloucester Place<br>Witney<br>Oxfordshire<br>OX28 6LA |
| Date                    | 4th March 2020  |
| Officer                 | Stuart McIver   |
| Officer Recommendations | Approve   |
| Parish                  | Witney Town Council                                     |
| Grid Reference          | 435610 E 210114 N                                       |
| Committee Date          | 16th March 2020   |

### Location Map



### Application Details:

Insertion of rear dormer window.

### Applicant Details:

Mr And Mrs A Wood, 8 Gloucester Place, Witney, Oxon, OX28 6LA

## **I CONSULTATIONS**

- 1.1 Town Council                      Witney Town Council has no objection to this application.

## **2 REPRESENTATIONS**

No representations have been received.

## **3 PLANNING POLICIES**

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

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

## **4 PLANNING ASSESSMENT**

### Background Information

- 4.1 The application is a resubmission of approved application I6/04233/HHD. The application has been submitted as the previous permission is no longer extant. The proposal seeks consent for the insertion of a rear dormer window at 8 Gloucester Place, Witney.
- 4.2 The application is to be heard before Members as it has been submitted on behalf of a member of West Oxfordshire District Council staff.
- 4.3 The application site is an existing traditional Victorian end-terraced property. The adjacent area is characterised by predominantly residential development. The property is set over three floors and sits in a narrow plot with a small front garden and longer rear garden, having a pedestrian right of way cutting through the curtilage to provide access to the rear of others within this long terrace.
- 4.4 The site lies within the Witney and Cogges Conservation Area and although is not on the statutory list, is a locally listed building as identified within the Conservation Area Appraisal.
- 4.5 Relevant planning history:
- Planning application Ref: I6/04233/HHD - Proposed rear dormer window - Approved
- 4.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Design
  - Impact on Conservation Area and Heritage Assets
  - Residential Amenity

### Principle

- 4.7 This application seeks permission for alterations within the residential curtilage of an existing dwelling. The principle of development is therefore acceptable subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

### Design

- 4.8 With regard to design, the proposed three window pane flat roofed dormer matches the form of several existing flat roofed dormers to the rear of Gloucester Place. As such, your officers consider that the proposed development is not out of character with the existing host dwelling or the immediate surrounding area.

### Impact on Conservation Area and Heritage Assets

- 4.9 Within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 4.10 Your conservation officer was consulted as part of the previous approved application process and raised no objections in terms of harm to either the Locally Listed Building, or wider Conservation Area, given the presence of several other similar dormers in this elevation, together with several roof-lights, and given that this is the more discreet rear elevation.
- 4.11 In regard to the above, the proposed alterations are not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

### Residential amenity

- 4.12 Given the elevated position, north orientation of the rear of the building and scale of the dormer, it is not considered that the scheme would give rise to a potential overshadowing or overbearing impact. In relation to potential overlooking, the room is proposed for storage and the windows would face towards the rear garden area for the host dwelling, with other properties to the rear being an acceptable distance away. Also, the existence of other windows to the rear elevations at both first and second floor level is a relevant consideration in terms of existing views to the rear. In view of this it is not considered that the proposal would result in additional harm. No objections have been received from neighbours and Witney Town Council has commented with no objections to the application.

### Conclusion

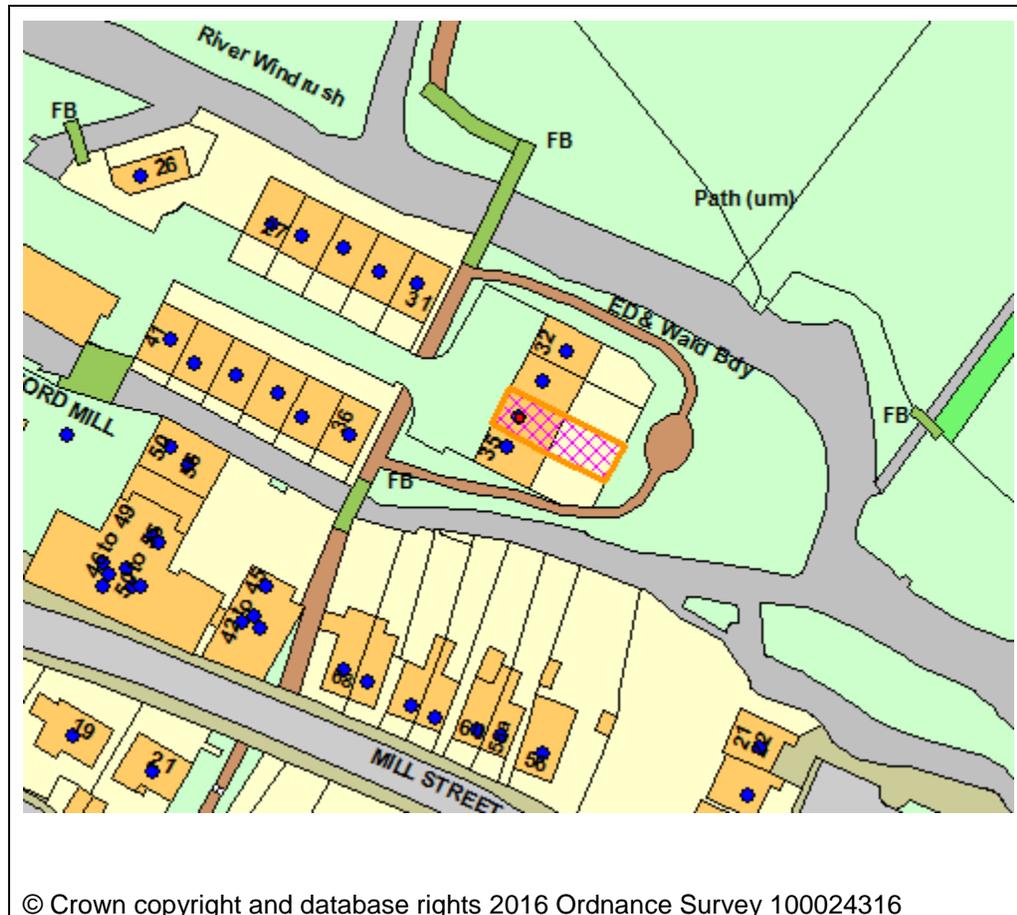
- 4.13 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS4, EH9 and EH10 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

## **5 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

|                         |  |
|-------------------------|--|
| Application Number      | 20/00195/HHD   |
| Site Address            | 34 Woodford Mill<br>Mill Street<br>Witney<br>Oxfordshire<br>OX28 6DE |
| Date                    | 4th March 2020   |
| Officer                 | Claire Green   |
| Officer Recommendations | Refuse   |
| Parish                  | Witney Town Council  |
| Grid Reference          | 435550 E 210338 N  |
| Committee Date          | 16th March 2020  |

### Location Map



### Application Details:

Replacement windows (Retrospective)

### Applicant Details:

Dr Lawrence Haar, 34 Woodford Mill, Mill Street, Witney, Oxfordshire, OX28 6DE

## **I CONSULTATIONS**

- 1.1 Town Council Witney Town Council makes no comment on this application.

## **2 REPRESENTATIONS**

One general comment has been received, three support comments have been received and eight objection comments have been received. The comments are available to view in full on the Council website. The comments are summarised as follows:

### General Comment

- Whilst I am aware that the new frames do not match the rest of the houses on this development, I do not find them offensive.

### Support Comments

- We have no problem with this.
- I have no objection to the windows that have been installed in 34 Woodford Mill. Under the circumstances they seem very practical especially as there are fitted shutters already installed.
- These replacement windows are in keeping with the design of Woodford Mill, and have a fitting and uniform structure in keeping with the originals.
- There will always be small variations, 100% exact uniformity with the rest of the homes on the estate is not actually possible.
- My neighbour is simply trying to update and upgrade their property and I therefore give them my full support.

### Objection Comments

- Whilst I do not hold strong views on the change in window design effected by Dr Haar I do take exception to the reason he provides. As a neighbour I do not believe I have witnessed Dr Haar's brother staying in the property in the ten years I have lived in Woodford Mill, and certainly not for the 6-month period that Dr Haar states in his letter to you. I would urge you to seek appropriate evidence from Dr Haar to support his assertion.
- I am in favour of allowing PVC windows of a similar design to the original wooden windows. I also appreciate that there will be minor differences in style and that it is also important that there is adequate ventilation in all rooms. I agree that the original style did not provide this in the first floor bedrooms but this can be provided by inward opening tilted side windows which from the outside look similar in style to the original. The only reason that Dr Haar gave for not installing these was the fact that he had shutters on the inside which prevented their operation, so I suggest that he changes these shutters rather than install the small side windows which are totally out of keeping with all the other windows on the

estate. Every time I approach my house I am struck with the incongruity of the design of the windows in no 34.

- Unfortunately, as No. 34 sits in a prominent plot in our Development, the style of door/window that has been installed - sticks out like a sore thumb and totally out of keeping with all other properties.
- All Woodford Mill freeholders know the rules and the reasons why this application should be rejected and the window replaced. In a development such as Woodford Mill uniformity is very important. If this application is not rejected and the window removed I fully expect that other residents will not conform.
- I do not understand why Mrs S Groth has a comment listed on behalf of Witney Town Council who "makes no comment". If it was an original Mill building, rather than a Town House, would there be a comment
- Dr Haar may well have a brother with health issues, but as neighbours for 15 years we have never seen him visit the property and certainly not stay for six months. In all the time we have been neighbours the only people staying long term were housekeepers. Stating 'Health' as the main reason for the design is therefore not valid.
- As planners have suggested a better design of window to allow ventilation, and which some owners have installed, Dr Haar should have installed this style of window. Thus solving the problem of ventilation and adhering to 'like for like' replacement advice.
- Dr Haar mentions the design of other windows at Woodford Mill which have been replaced. Whilst these are slightly different they are all in keeping with the original windows. Dr Haar's are clearly not in keeping and in our view very unattractive.
- We understand that planning advice is to install 'like for like' replacements, and other owners have followed this advice.
- We have to remember that Woodford Mill is a conservation area and we live in a terrace of houses so they need to look the same.
- Should approval be given it will send a message to all other owners that anything goes and any design is allowable and thus spoil the whole look of Woodford Mill.
- With the exception of Number 34 the outward appearance of the new UPVC windows are very much the same. We were quite shocked when we first saw how different the windows of Number 34, at the end of our street, appeared.
- Allowing such disregard to the appearance of terraces, such as ours in Woodford Mill, sets an unacceptable design and appearance standard.

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

- 3.1 The applicant states that the windows were installed for health reasons, specifically for a family member who visits for extended stays. The applicant states that for health reasons, ensuring adequate ventilation in this bedroom is of paramount importance for a visiting family member.

- 3.2 The applicant states that inward opening windows could not be fitted given the design of the interior shutters that have been fitted.

#### **4 PLANNING POLICIES**

EH9 Historic environment

EH10 Conservation Areas

OS4NEW High quality design

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application seeks retrospective planning permission for replacement windows at 34 Woodford Mill, Mill Street Witney. The application site relates to a modern town house style mid-terrace property in a gated area on the Woodford Mill estate.
- 5.2 The property is situated within the Witney and Cogges Conservation Area.
- 5.3 The key considerations of this application are the design and appearance of the windows and their impact on the character and appearance of the street scene and the wider area.
- 5.4 Although alterations to windows do not normally require express consent, in this case, to protect the character and appearance of the area, permitted development rights were removed when consent for this development was granted in 2001.
- 5.5 The Council's advice to residents making enquiries with regard to replacing windows has consistently been that replacement windows in the same design are acceptable, provided they are designed so that they do not materially alter the external appearance of the property.
- 5.6 The new windows installed in the first floor bedroom to the front of 34 Woodford Mill are the same outer dimensions as windows previously installed, however, the replacement upvc windows feature two top hung lights, a feature not included on the original window designs.
- 5.7 Whilst small in detail, it is officers opinion that the change in design is materially different in appearance and not deemed to be an acceptable change. The addition of fanlights does not maintain the window formation as per original approved plans for Woodford Mill and therefore do not retain the architectural integrity of the development.
- 5.8 The first floor window is visible from the street and is an integral part of the front elevation, and prominent visually. The terrace of four houses, and the similarly designed terraces East of the application site have a distinctly uniform appearance that was very carefully designed to respect and complement the historic industrial context when the development was approved, with design conformity offering a strong sense of place.

#### Conservation Area

- 5.9 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the replacement windows at Woodford Mill are considered by officers to be contrary to the requirements in as much as they do not preserve or enhance the character or appearance of the wider Woodford Mill area.

- 5.10 Further, The design is considered contrary to the West Oxfordshire Local Plan policy EH10: Conservation Areas and EH9: Historic Environment, as they do not 'Conserve or enhance the special interest, character, appearance and setting of the area'.
- 5.11 In addition the window design is considered contrary to the West Oxfordshire Local Plan policy OS4: High quality design, in that 'New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.' Further, new development should 'Conserve or enhance areas, buildings and features of historic, architectural and environmental significance, including both designated and non-designated heritage assets'. In this regard for the reasons noted above the replacement windows are not considered to comply with the requirements of OS4.

#### Conclusion

- 5.12 Having assessed the application, officers consider that the replacement windows, by reason of their design and form, are not an acceptable change. A more appropriate form of window replacement would ensure that the original window formation is preserved, achieving a design in-keeping with the originally approved plans.
- 5.13 The interior shutters as fitted by the applicant could be removed to allow for inward opening windows of an acceptable design and form.
- 5.14 Officers therefore consider that the development is contrary to the provision of policies EH9, EH10 and OS4 of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.
- 5.15 For the reasons expressed above officers recommend that permission should be refused.

## **6 REASON FOR REFUSAL**

- 1 By reason of the design of the replacement windows, which include two top hung lights for ventilation, located on a prominent front elevation highly visible in the street scene, the windows appear out of keeping with the design of the windows on the adjacent and nearby residential development, to the detriment of the uniform character and appearance of the development of Woodford Mill as a whole.

As such the replacement windows fail to either preserve or enhance the character and appearance of the Conservation Area and do not conserve the special interest, character and appearance of the wider Woodford Mill development. As such the development is considered contrary to policies EH9, EH10 and OS4 of the West Oxfordshire Local Plan 2031.