

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 4th March 2024

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

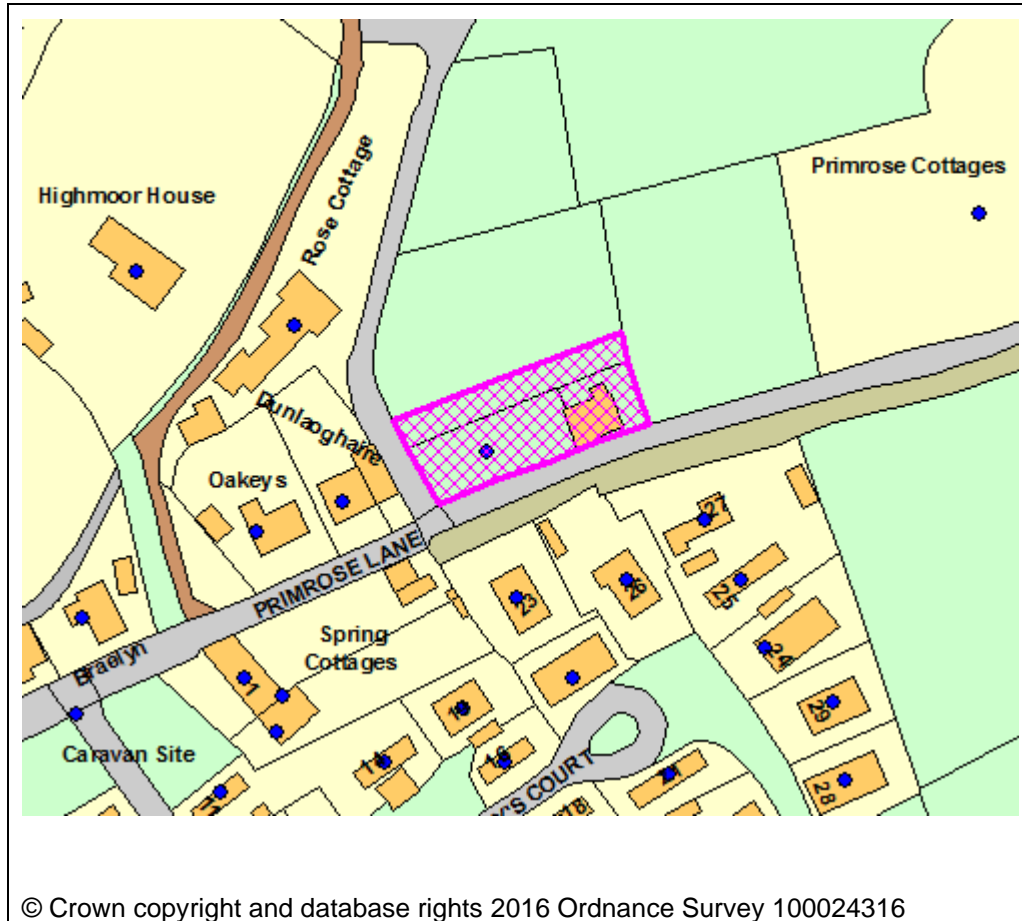
Please note that:

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

Item	Application Number	Address	Officer
17-32	23/02297/FUL	Land Adjoining Dunlaoghaire Primrose Lane	Elloise Street
33-55	23/02404/FUL	Land Known As The Ashbed Ladburn Lane	Clare Anscombe
56-67	23/02849/FUL	Land South West Of Chapel Lane	Esther Hill

Application Number	23/02297/FUL
Site Address	Land Adjoining Dunlaoghair Primrose Lane Weald Bampton Oxfordshire
Date	21st February 2024
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431307 E 202792 N
Committee Date	4th March 2024

Location Map



Application Details:

Proposed new dwelling to replace redundant stables and store, to create holiday let (amended plans).

Applicant Details:

Mr A Smart
1 Primrose Cottage
Primrose Lane
Weald
Bampton
OX18 2JA

I CONSULTATIONS

Parish Council

8.09.23 - Objection -

- 1) This would set a precedent for further development.
- 2) This is in a Conservation Area and is not in keeping with the local rural location.
- 3) We are not happy that this proposed development sits in flood zone 2.
- 4) It is noted that the stables are currently in use and not redundant, as the application states.

WODC Drainage

The submitted FRA is very short (only 4 pages) and is more applicable for an extension, which does not apply here. Due to the history of flooding in Bampton, a full FRA should be submitted which addresses all possible sources of flooding to the site. Until this has been provided, further drainage comments cannot be made.

District Ecologist

I have been looking at the above application, and wondered if you have a copy of the Landscape Drawing that has been included on the last page of the Design and Access statement?

It's difficult to tell what the section on Biodiversity Net Gain says, as well as other annotations on this drawing. If this is not currently available, please could the applicant send this through as a separate document that is clearer to read?

18.10.23 - The Proposed Drawing No. 02 shows plans for one Schwegler bat box on the eastern elevation and one Schwegler ISP Sparrow terrace to be installed on the western elevation. Whilst the bat box is not in an optimal location, as ideally bat boxes should be installed on south/south-west elevations, it does provide some opportunities for the species and is best placed in comparison to other elevations which have significant glazing. The above compliance condition has been recommended to ensure that these roosting and nesting features are provided.

I note that the site falls within an Amber impact risk zone for Great Crested Newts (GCN) as per district licence mapping. Given the size of development and the sub-optimal habitat on site for GCN, it is unlikely that GCN will be a constraint. However, there are previous records of significant newt populations in the wider landscape, therefore a precautionary working method statement is

recommended to ensure that GCN are protected during construction.

Although the bat survey concluded that the stables hold negligible potential for roosting bats, the report considered the surrounding houses and buildings to offer roosting potential for bats, with the wider landscape having good potential for foraging and commuting bats. Therefore, the above lighting condition is recommended to ensure that any external lighting is sensitively designed.

Whilst I am pleased to see that the applicant has given consideration to the planting of native trees, shrubs and pollinators, plans have not been provided to show the details of species to be planted, their management or maintenance, to support the Landscape Drawing provided. Therefore the above landscaping condition is recommended.

Env Health - Lowlands

Thank you for the opportunity to consult.

I have no objection in principle. I recommend the following conditions:

- I. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- II. Prior to the commencement of the development, a short construction management plan (CMS) showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. If found to be required, the CMS report will include, steps and procedures for the removal of Asbestos Containing Materials (ACMs).
- III. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.
- IV. The accommodation is conditioned for use solely as an holiday let with a reasonable limit on the maximum length of stay,

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Kind regards

Karen Awre
Officer
Noise & Amenities

OCC Highways

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

Recommendation:

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

- G28 parking as plan

Conservation And Design
Officer

No objections subject to changes

OCC Highways

Primrose Lane is a private lane and not public highway.

I cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience.

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

Recommendation:

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

Parish Council

Proposed new dwelling to replace redundant stables and store, to create holiday let at Land Adjoining Dunlaoghaire Primrose Lane Weald.

Our previous comments (1-4 below) remain unchanged:

Objection -

- 1) This would set a precedent for further development.
- 2) This is in a Conservation Area and is not in keeping with the local rural location.
- 3) We are not happy that this proposed development sits in flood zone 2.
- 4) It is noted that the stables are currently in use and not redundant, as the application states.

Additionally, in our opinion the changes made to the application are sufficient to warrant a whole new planning application, not a revision.

We are not happy with the contents of the flood risk assessment. Our historical knowledge suggests that previous flood prevention measures carried out in 2007 would not take away from the fact that this area is in a flood plain and still floods.

As a stable the building is open which allows water to flow in and out, this would not be the case with a house.

We note that 12 residents have all objected and the parish council supports these objections.

Conservation And Design
Officer

No objections.

WODC Drainage

Further to my previous comments, a full FRA has been submitted, which states -

- The Environment Agency flood mapping does not correlate with the actual levels across the site. The proposed building is in flood zone 1, when the topographical survey and flood mapping is adjusted to the actual ground levels on and around the site.
- The building floor level will be 600mm above the 1%AEP flood level, therefore no additional protection measures are required. However, given the proximity of the fluvial flooding and the recent flooding history, it would be prudent to include flood resilience measures.
- Access and egress will be onto Primrose Lane to the south of the site which is in flood zone 1. The owner is registered with the Environment Agency flood warning scheme to ensure early notification of flood events in the area.
- All new drainage will incorporate SuDS to reduce the flow rates off-site.

Soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. They should be at least 5m from any building and a minimum of 2m from any property boundary.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event without building flooding.

An exceedance flow plan should be provided for storm events in excess of 1 in 100 year + 40% cc, based on proposed ground

levels and directing runoff away from neighbouring properties.

WODC Landscape and
Forestry Officer

No Comment Received.

2 REPRESENTATIONS

2.1 The following comments have been received from interested parties objecting to the application:

- Harm to the Conservation Area.
- Would set a precedent in the local area for further housing.
- Concerns with flooding.
- No benefit to West Oxfordshire.
- Loss of amenity to neighbouring properties.
- Does not conserve the locality and the rurality.
- Access road is challenging.
- Site not identified for housing in the WOLP.
- Building not previously a dwellinghouse.
- New building is significantly larger than the existing stables.

Photographs of waterlogged field have also been submitted as neighbouring comments.
Photographs of Google Street View of the past 20 years to show evolution of the stables.

2.2 The following comments have been received from interested parties supporting to the application:

- The stables could be rented out and the use could be intensified.
- It has it's own off road parking.
- Building would be more pleasing than the current structure and the opposite caravan park.
- Photos did not show water where the dwelling would site.
- It would not set a precedent.

2.3 The following comment has been received from interested parties neither supporting or objecting to the application:

- Just to be noted that we've recently had a significant leak of sewage in our back garden that Thames Water accepted responsibility for after confirming that the drains along Weald were blocked. This is the fourth/fifth time that such a significant leak has taken place with our garden being flooded with sewage as a result.

3 APPLICANTS CASE

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

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing

T4NEW Parking provision
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH10 Conservation Areas
EH11 Listed Buildings
E4NEW Sustainable tourism
E3NEW Reuse of non-residential buildings
NPPF 2023
DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for proposed new dwelling to replace redundant stables and store, to create holiday let (amended plans) at Land Adjoining Dunlaoghaire, Primrose Lane, Weald, Bampton.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as Bampton Town Council have objected to the proposed scheme and their views are contrary to the Officers views.
- 5.3 This application is back before members following the 5th February Committee following the notion for a site visit. Since the previous committee there have been no changes or amendments made to the proposal
- 5.4 The application site relates to a set of stables and open land within the residential area of Weald on the outskirts of Bampton.
- 5.5 The site falls within the Bampton Conservation Area and is located within Flood Zone 2 therefore the main considerations of this application are the impact of the proposed development on the Bampton Conservation Area, Flood Risk, Visual amenity, residential amenity and highway safety.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 - Siting, Design and Visual Impact
 - Conservation Area
 - Impact on Neighbouring amenity
 - Flood Risk
 - Highways
 - Other Matters

Principle of Development

- 5.7 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal assent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- (a) the development plan, and
- (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.8 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.9 In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

Development Plan

5.10 As per Policy OS2 (Locating Development in the Right Places) it refers to the settlement hierarchy which splits the district in different classifications. Officers have considered that the proposed site is within Weald and which would be classed as being under small villages, hamlets and open countryside within the settlement hierarchy. However it is important to note that the proposed site is located within the Bampton Conservation Area and is approximately 400m away as the crow flies from the centre of Bampton and would be a 10 minute walk. Your Officers have considered as part of this application it is logical to firstly consider the proposed development against policies OS2 and E4 of the WOLP.

5.11 Policy OS2 (Locating development in the right places) of the Local Plan states that development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area, subject to meeting the general principles of policy OS2. It goes on to state that proposals for sustainable tourism are regarded as appropriate in the open countryside.

5.12 Policy E4 (Sustainable Tourism) encourages new tourist and visitor facilities within or close to Service Centres or Villages and reuse appropriate existing buildings wherever possible. The proposal is considered to meet this requirement as the site is located close to the village of Bampton, which is listed as a village in the Local Plan settlement hierarchy. Officers consider that this holiday let is a to be new building and it has been justified that the existing building is not suitable for reuse and is not worthy of retention.

5.13 The proposed new dwelling to replace redundant stables and store, to create holiday let is therefore considered acceptable subject to compliance with Policy OS2 and following further assessment in regards to the impact on the design and siting, Conservation Area, Flood Risk, parking provision, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Visual Impact

5.14 The proposed building to be a holiday let is to be sited in the same position as the existing stables which is the north eastern corner of the site. The existing footprint of the stables is 8m in length and 7.5m in width with an overall height of 3m. The proposed holiday let is to be 11.4m in length and 6.5m in width with a maximum height of 6.5m. The ground floor is to consist of a living sitting area, a kitchen, downstairs WC and a utility. The first floor is to consist of 3 bedrooms with one ensuite and one family bathroom. The Western elevation is to face along the main road and is to have a blank face with 2 rooflights. The northern elevation is to have a set of bifolding doors and a door with a juliet style balcony. The eastern elevation is to have two small pitched roof dormers and one larger pitch which is to be highly glazed with a main entrance door. There are also to be a set of double doors and an additional window. The southern elevation is to have a small pedestrian door to the hallway and a timber stable door on the first elevation with a juliet style balcony. The proposed materials to be used on the building are reclaimed red pan tiles, oolitic natural lime stone walls and horizontal timber feather edged boarding to the elevations and powder coated aluminium doors and windows. There will be a new 5 bar timber gate in the existing vehicular access and there will be gravel hardstanding for parking for the holiday let.

5.15 Policies OS2 and OS4 are relevant to be considered for the proposed application. Policy OS2 focusses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Similarly Policy OS4 states that "new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings. This also links with Section 12 Paragraph 130 b which states policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NPPF also makes reference to local planning authorities preparing design guides and therefore it is important to also take regard of the West Oxfordshire Design Guide as a supplementary planning document. The design guide states "As an overarching principle, the scale, form and character of the original property should be sympathetically reflected in any proposed changes" it also states "New buildings and extensions should be well designed in themselves, and in sympathy with the character of the area. They should respect the form, siting, scale and massing of the surrounding buildings. New development should incorporate existing features of importance, such as trees, hedgerows, ponds, stone walls, paths and tracks. Views within, into and out of Conservation Areas are also protected, and should be carefully assessed, with new development designed to ensure that these are not harmed."

5.16 Officers have considered that the proposed building is of a modest height for a holiday let and follows the pattern of development in this location. It has been found that there has been some form of structure in this location since at least 1840 and it could be inferred by the Conservation Officer that there was a dwellinghouse with a potential range and outbuildings. The proposed building has a plain façade on the roadside and is commensurate with the existing building. Officers consider the proposed building is of a modest plan form and is well designed with balanced windows. It has been considered that the current stables are an accumulation of buildings and that the proposed holiday let

will enhance the locality and the Conservation Area. Officers consider that the proposed building will comply with Policies OS2 and OS4 of the WOLP 2031.

5.17 The proposed new dwelling to replace redundant stables and store, to create holiday let, would be visible on the street scene, however as assessed, the proposed building would not give rise to any adverse impacts in regard to visual amenity. The building is well-designed and commensurate with the locality and represents a high-quality design.

Impact on Conservation Area

5.18 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.

5.19 In this regard the proposed new dwelling to replace redundant stables and store, to create holiday let would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. Officers consider that as the proposed holiday let makes a positive influence on the Conservation Area and would not result in any harm. The current stables are an amalgamation of buildings not adding any benefit to the Conservation Area. This proposed building is of high-quality design and it has been evidenced through historic maps that there have been structures at this location since at least 1821 with this being potentially a dwellinghouse with outbuildings. The Conservation Officer has no objections to the proposed siting and design of the holiday let following the revised plans in which the orientation was changed so that the flanking wall along the roadside is relatively blank and would not detract from the Conservation Area.

5.20 Officers consider that there is no harm had to the Conservation Area as a result of the new building and that the proposed would comply with Policies EH10 and the WOLP and the relevant paragraphs within Paragraph 16 of the NPPF.

Impact on Neighbouring Amenity

5.21 Given the nature of the new building, Officers are of the opinion that the proposed works would not give rise to any adverse impacts in regards to neighbouring amenity. The proposed building is 30m away from Dunlaoghaire and 40m away from Rose Cottage. There is an access road between the properties in which would reduce the concerns of overlooking or loss of privacy to neighbouring properties. The majority of the windows are sited on the western elevation and again would have a sufficient distance to not raise concerns with overlooking or loss of privacy. Due to its siting, Officers have no concerns with the building resulting in loss of light or being overshadowing.

5.22 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

5.23 OCC Highways have been consulted on the application due to the addition of parking provision for the building and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Flood Risk

5.24 WODC Drainage Engineers have been consulted on the application due to the proposed siting of the building being within Flood Zone 2. A Flood Risk Assessment has been submitted as part of this application which was completed in November 2023.

5.25 The WODC Drainage Engineers acknowledged that the site is located within Flood Zone 2 as part of their mapping, and that the surface water susceptibility is very low risk in this location and that the application site itself was not affected by flooding in 2007 but other properties in this location were flooded. They also note that there is no mapped watercourse within 20m of the site boundary.

5.26 The comments made by the Flood Risk Engineer are that they acknowledge that the EA flood mapping does not correlate with the actual levels on the site and that the proposed building is in flood zone 1 when the survey and mapping is adjusted to the actual ground levels on and around the site. They have also acknowledged that all new drainage will incorporate SuDS to reduce the flow rates off site.

5.27 Based on the information provided, it has been suggested that a full surface water drainage scheme shall be submitted prior to the commencement of development to ensure that flooding is not exacerbated in the locality in which Officers consider acceptable in this location.

5.28 It has been acknowledged that photographs have been submitted by objectors to the scheme with concerns of surface water flooding in the locality and the surrounding fields of the proposed building. However, these were taken during times of unusually high rainfall and based on the information submitted as part of the application and the opinions of the WODC Drainage Officer we do not have reason to believe that the proposed building would result in flooding in other locations and as a result would not be contrary to Policy H7 of the WOLP 2031.

Biodiversity

5.29 Due to the rural location of the of the proposed site and the surrounding listed buildings it was appropriate to consult with the WODC Biodiversity Officer. A preliminary Bat survey and Landscape drawings were submitted as part of the proposed application. The WODC Biodiversity Officer commented to state that they note that the site falls within the Amber Impact Risk zone for the great crested newts however due tot the scale of development, it has been considered that it is unlikely that GCN would be a constraint on the site but as there are previous records of GCN in the locality a precautionary method statement is to be conditions to ensure that they are protected during construction.

5.30 The bat survey was submitted as part of this application in which it identified that the current stables hold negligible potential for roosting bats and the report considered the surrounding houses have potential for roosting bats and therefore the bat & bird boxes are to be secured by a

compliance condition and the relevant lighting condition to be placed on the application to ensure that any external lighting is sensitively designed.

5.31 Details of the landscaping scheme were not submitted in relation to the types and species in this location and therefore an appropriately worded landscaping condition is required.

5.32 In light of the above information, it has been considered that the proposed works are to comply with Policy EH3 of the WOLP 2031.

Other Matters

5.33 Bampton Town Council have been consulted on this application twice due to the changes in design for the Holiday let and they have objected both times to the application. They stated that they would consider that the development would set a precedent for further development. Officers have detailed within the report, that this development would fall within the pattern of development in this location and each application is considered on its own merits in the future and all applications are considered on each individual basis. As a result it has been considered that a precedent would not be set in this location. Officers acknowledge that there are concerns from the parish that the development is not in keeping with the local rural location. However, the Conservation Officer has no objections to the scheme and is opposite a static caravan site and is a modest building that would not result in harm in this location. Officers also note that there are objections to the proposed development sitting in Flood Zone 2 however as mentioned in the flood risk element of this scheme. As stated in the NPPF "Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels" are classed as more vulnerable types of development and are classed as being compatible in this location. In addition, the drainage engineer has requested a prior to commencement surface water drainage scheme to protect any dwellings from flooding. The applicants have submitted a statement regarding the use of the stables, but in policy terms, the stables are not considered worthy of retention and in this location a holiday let would be an appropriate use with the appropriately worded conditions in place. The changes made to the application involved the re-orientation and some design changes which have been considered by officers as appropriate in this location and in any event, the application was fully reconsulted with a new site notice and additional 21 day period which would have taken place if there was a new application. Officers are satisfied that the changes were published in the correct manner.

Conclusion

5.34 Taking into account the above matters, the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, EH3, EH7, EH10, EH11, T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

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

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

5. The development shall be completed in accordance with the Proposed Drawing No.02 (APH Associated Ltd, October 2022). All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

REASON: To ensure that bats and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

6. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles and amphibians are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Prior to any development above slab level, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as species rich planting of native trees and native hedgerow and wildflower planting) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

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

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

10. The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods. The owner shall provide upon request by the District Council a list of all persons who in the twelve (12) month period leading up to the date of such a request have occupied the holiday let (such list is not to be unreasonably withheld or delayed).

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation. Longer stays and second home use more akin to residential use are not likely to provide the same benefits from associated recreational activities in the area than tourism development, as supported by policy E4 of the West Oxfordshire Local Plan 2031.

11. A short Noise Management Plan (NMP) shall be submitted to the Council prior to use of the building. The NMP shall include strict noise rules laid down at time of bookings around acceptable behaviours, shouting/raised voices and policies to deal with any complaints.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

12. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

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

13. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

14. Hours of construction shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

15. Prior to the commencement of the development, a short construction management plan (CMS) showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. If found to be required, the CMS report will include, steps and procedures for the removal of Asbestos Containing Materials (ACMs).

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

INFORMATIVES :-

- If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity

mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

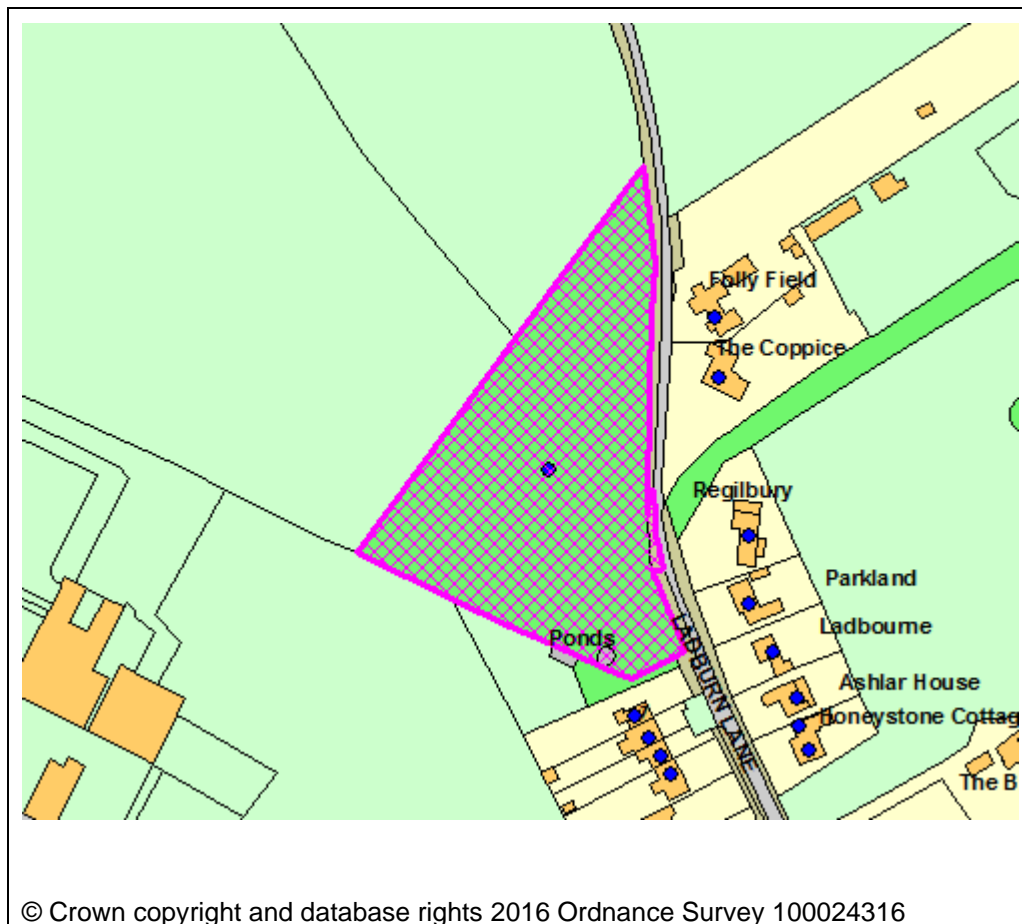
Contact Officer: Elloise Street

Telephone Number:

Date: 21st February 2024

Application Number	23/02404/FUL
Site Address	Land Known As The Ashbed Ladburn Lane Shilton Oxfordshire
Date	21st February 2024
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Shilton Parish Council
Grid Reference	426308 E 208567 N
Committee Date	4th March 2024

Location Map



Application Details:

Erection of 3 detached dwellings and cart lodge style garages, the formation of a vehicle access, and associated works (amended plans).

Applicant Details:

Mr & Mrs John Colson
Alvescot Downs Farm House
Swainshill
Carterton
Oxfordshire
OX18 1PB

I CONSULTATIONS

OCC Rights of Way Field
Officer

Bridleway no. 340/7/20 runs outside of the site boundary along the eastern side. This is also on the List of Streets as unclassified highway so the Highways team will be able to comment on any affect the proposals will have on the network.

From a Public Rights of Way perspective, I have no objections to the application as I do not believe the bridleway will be affected by the plans.

Newt Officer

It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, we recommend that the following informative should be attached to planning consent:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

Env Health - Lowlands

I have no objection in principle. I suggest the following conditions:

- I. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- II. Prior to the commencement of the development, a short construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to

prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

- III. Details of any lighting scheme shall be submitted to the local planning authority for written approval. Please note that the lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light GN01/21 (or later versions).
- IV. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Local Plan Policy EH8.

OCC Highways

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

Recommendation:

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

- G28 parking as plan
- G11 access specification
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see [Dropped kerbs | Oxfordshire County Council](#)

WODC Drainage

SURFACE WATER DRAINAGE:

Confirmation of the proposed surface water drainage scheme is sought.

As the surface water drainage system is to be shared between 3 dwellings, we require clear guidance as to who the landowner will be for the system and a clear understanding of the planned maintenance programme.

Access to any shared drainage installation must be made available to all relevant plot owners, through the use of positive covenants, set out within the conveyance documents.

It is noted that the application form proposes soakaways. Infiltration is likely to be viable on site, given the geology for the postcode. This must first be proven by infiltration tests undertaken in the location of the proposed soakaway and in accordance with BRE365.

If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with guidance notes shown below:

Notes regarding soakaway location and design:

- Soakaways should be designed with a minimum clearance of 1m from base to water table at all times of year.
- Soakaways must be >5m from any structure and >2m from the boundary.
- Individual, geo-cellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- Silt traps are essential for ease of maintenance.
- If soakaways are located beneath a carparking/turning area, they will need to have adequate clearance and the design will need to be suitable for the additional loading.
- During the construction phase it is important not to compact ground where soakaways are proposed.

If infiltration is not viable, onsite attenuation will be required prior to controlled discharge in line with the Qbar Greenfield Runoff Rate.

The onsite surface water drainage system must be designed to accommodate up to and including, either a:

- 1 in 100 year storm event plus 40% climate change (C.C.);
or
- 1 in 30 year event plus 40% C.C. but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event + 40% C.C. and must not cause a risk to any existing property or land beyond the site.

In accordance with the Building Act 2000 Clause H3.3, positive connection to a sewer will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being: 1st Soakaways; 2nd Attenuation with controlled discharge to

a watercourse; 3rd Attenuation with controlled discharge to a mains sewer.

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We highly recommend the use of permeable or granular construction on access routes and hardstandings.

We would like to see water butts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

We require further information regarding proposed surface water drainage. However, if no further information is provided, please notify the applicant that a pre-commencement condition will be required.

Environment Agency

No Comment Received.

Thames Water

Thames Water advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

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

along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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

Water comments

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

Comments based on the assumption that foul flows will connect to the public network in Ladburn Lane via gravity.

District Ecologist

Comments dated 21st November 2023:

Further information required:-

- 1) The Proposed Landscaping plan (2511.1COL-21, T.J. Crump Oakwrights Ltd., 16th August 2023) shows plans for the translocation and felling of trees on site, however, it is not clear which species are to be affected. The PEA has not confirmed with certainty that these trees do not support bat roosts. Please can it be confirmed which tree species are to be transplanted and felled and whether these individual trees were adequately assessed for roosting bats?
- 2) Section 3.10 of the PEA states that a number of tracks were observed within the wooded western boundary and are likely a result of regular visits by deer and badger entering/exiting across breaks in the boundary wall. Was a site walkover completed for badgers and their setts?

- 3) It is not clear from the PEA whether reptiles were considered as a constraint. The PEA needs to be revised to include a paragraph on the sites suitability to support reptiles and conclude whether additional survey effort is required.
- 4) It would appear from the Proposed Landscaping plan that a large length of the existing mixed woodland boundary will need to be removed for access but has not been identified by the plans. Please can measurements of the exact area of woodland to be removed be provided? As compensation, an area of mixed native hedgerow/treeline that equates to the same length lost will also be required, along with evidence that this has been appropriately calculated.

In addition, there are also concerns with regards to design and the level of glazing proposed. The western and southern elevations on plots 1 and 3 will permit significant light spill towards currently unlit boundary corridors and trees to be retained. No bat transect surveys have been undertaken, therefore it is not known how this commuter route is being used. Therefore, I suggest a reduction in glazing on these elevations, or alternatively, bat transect surveys should be undertaken to determine bat assemblage.

Please can you reconsult once a response is received?

Conservation And Design
Officer

No Comment Received.

WODC Landscape and
Forestry Officer

Proposal for three new dwellings in large residential plots in open countryside beyond the settlement boundary.

Contrary to Policy EH2: Landscape character. Loss of woodland habitat and woodland character on settlement edge.

Woodland tree cover helps provides a soft edge to the village. Replacement of woodland/ countryside with residential use would adversely affect the character of the site and surroundings. See Shilton Neighbourhood Plan Policy SH5: Green Infrastructure. This woodland is listed as one of the few green infrastructure assets in and around the village.

Contrary to Policy EH3: Biodiversity and geodiversity. Loss of priority habitat due to loss of woodland. Land use following removal of areas of trees affected by ash dieback remains woodland.

Parish Council

Objection.

Shilton Parish Council consider that this proposal does not comply with Policy OS2 and H2 of WODC's Adopted Local Plan 2031 and therefore should be refused.

WODC Housing Enabler

The developed total floor area looks to be less than the 1000 sqm threshold that would require the site to make an affordable housing contribution.

For us to consider the houses as self-build I think we would need certainty that the family, as the designers, will occupy them. We usually propose for a minimum of three years.

WODC Landscape and Forestry Officer

Re-consultation - no additional comments.

District Ecologist

Re-consultation comments dated 12th January 2024

Acceptable subject to the following conditions and informatives:

No development shall take place (including demolition, ground works and vegetation clearance) 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 (provided as a set of method statements), for example, measures that show that waste and other pollutants will be safely stored;
- 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. Details of root protection zones for retained trees;
- VI. Precautionary working method statements for bats, barn owls, other nesting birds, great crested newts, amphibians, reptiles, badgers and hedgehogs;
- VII. Details of any external lighting required during construction phase;
- VIII. The times during construction when specialists ecologists need to be present on site to oversee works;
- IX. Responsible persons and lines of communication;
- X. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- XI. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and

- XII. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP 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 (bats, barn owls, other nesting birds, great crested newts, amphibians, reptiles, badgers and hedgehogs) and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, the Protection of Badgers Act 1992, Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development. The content of the LEMP 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. Aims and objectives of management
- III. Appropriate management options for achieving aims and objectives;
- IV. Prescriptions for management actions;
- V. Preparation of a work schedule (including an annual work plan, with a monthly breakdown, capable of being rolled forward over a 20-25 year period)
- VI. Details of the body or organisation responsible for implementation of the plan;
- VII. Ongoing monitoring and remedial measures;
- VIII. Timeframe for reviewing the plan; and
- IX. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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

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

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

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with paragraphs 180, 185 and 186 of the NPPF (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:

- I. Details of the following species to be planted, including type, number, planting size and planting area:
 - Native trees and native mixed woodland areas;
 - Native wildflower and grass mixes;
 - Native hedgerows;
- II. Details of the following enhancements for biodiversity, including drawings showing their specification, location and heights:
 - Integrated roosting opportunities for bats (bat tiles incorporated into the roofs of each new building, situated away from any glazing and external lighting).
 - Integrated house sparrow terrace nest boxes (incorporated into external walls of each new dwelling, on north/north east elevations, no lower than 3m above ground level, as close to eaves as possible).
 - Integrated swift bricks (two bricks incorporated into the external walls of each new dwelling, on north/north east elevations, no lower than 4m above ground level, as close to eaves as possible).
 - Nesting opportunities for barn owls (externally mounted barn owl boxes located along western site boundary of the area of mixed woodland, affixed to existing suitably mature trees, facing out onto the adjacent open grassland, no lower than 4m above ground level).
 - Hibernacula opportunities for reptiles and amphibians (brush/log piles located at site boundary edges).
 - Opportunities for invertebrates (insect hotels, located in sunlit/lightly shaded areas on site).
- III. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- IV. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To protect and enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of West Oxfordshire Local Plan and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Informative:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

Parish Council

Re-consultation - no response received to date.

2 REPRESENTATIONS

2.1 Comments have been received from interested parties in support of the application. Full details can be found on the online case file and a summary of these is provided below:

- The proposed dwellings are high-quality and have sustainability and green credentials.
- New native hedge planting and trees will have environmental benefits.
- The proposed design reflects the traditional Cotswold style of other properties in Ladburn Lane and their positioning is not intrusive and will not impact on other properties in the vicinity.
- The proposed development will enhance the character of this part of the village and Ladburn Lane.
- The conservation area will be conserved.
- No significant increase in traffic movements during the operational and construction phase of the development due to the number of proposed houses.
- Adequate space would be available for the parking of construction vehicles.
- The principle of development is acceptable.
- The existing sewage infrastructure network is adequate.
- The proposed dwellings are a proportionate addition to the village.
- The proposed development would contribute to the need for housing in the District.
- Effective use of land.
- Reflects the existing settlement pattern along Ladburn Lane.
- The proposal accords with policy OS2 of the Local Plan.

2.2 Comments have been received from interested parties objecting to the application. Full details can be found on the online case file and a summary of these is provided below:-

- The design of the proposed dwellings does not reflect the vernacular and style of the rest of the village.
- Impact to trees

- Impact to existing ecology and biodiversity
- Neighbourliness
- Insufficient capacity in the existing sewage and water infrastructure network
- Conflict with the Shilton Neighbourhood Plan, particularly policy SH5
- Encroachment into the surrounding countryside
- Conflict with policy OS2 and H2 of the Local Plan
- Impact on local landscape
- The proposed development creates a precedent for further development around the village
- The mix of housing is inappropriate
- Harm to the existing Public Bridleway along Ladburn Lane
- Impact on highway safety due to no pavement and street lighting along the section of Ladburn Lane adjacent to the site
- No public transport connection in Shilton village
- No affordable housing is proposed
- Planning history:- Shilton's Community Right to Build Order was refused in 2018
- Increased flood risk
- Impact on neighbouring residential amenity

2.3 Neutral comments have also been received neither supporting or objecting to the application. Full details can be found on the online case file and a summary of these is provided below:-

- Impact on local ecology
- Loss of woodland
- No affordable housing proposed
- Impact on landscape
- Principle of development unsupportable

3 APPLICANT'S CASE

3.1 The applicant has submitted a Planning Design and Access Statement which makes the following points:

- The proposed development will complement the adjacent houses whilst enhancing the visual appearance of the site and conserving and enhancing the character and appearance of the area.
- The overall scale, form and mass of the new dwellings are appropriate on the site.
- The proposal provides three sustainable homes which are needed in the area.
- The existing boundaries of the site have been retained and enhanced to encourage biodiversity and the significant majority of trees will be retained and incorporated into the design.
- Biodiversity enhancements are provided.
- The proposal will make efficient use of land.

3.2 The agent has also submitted various rebuttal comments which are available to view online.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS3NEW Prudent use of natural resources
 OS4NEW High quality design

OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H5NEW Custom and self build housing
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH7 Flood risk
EH8 Environmental protection
CA5 Carterton sub-area strategy
NPPF 2023
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide
SHILNP Shilton Neighbourhood Plan
H4NEW Type and mix of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The site consists of a triangular piece of land to the west of Ladburn Lane on the edge of the village of Shilton. To the north and northwest of the site is open countryside with Shilton Downs House and Farm beyond. To the south and east are existing dwellings which fall either side of Ladburn Lane. Ladburn Lane itself is classed as a Public Right of Way (Bridleway) and the site lies in a red zone for Great Crested Newts. The site does not fall within the Shilton Conservation Area or Cotswolds National Landscape (former AONB).
- 5.2 The proposed development is for the erection of three self-build dwellings (2 x 3-bedroom and 1 x 4 bedroom) and cart lodge style garages, the formation of a vehicle access and associated works.
- 5.3 There is no relevant planning history for the site.
- 5.4 Aerial photographs show that the site has previously been densely forested and used as an ash coppice. Therefore, the existing use of the site is as woodland which would be classed as undeveloped land. The application has been called-in by Councillor Pearson for determination.
- 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 of Development;
 - Sustainability;
 - Design, Siting and Scale;
 - Impact on trees and landscape;
 - Impact on ecology and biodiversity;
 - Impact on highway safety and parking;

- Impact on residential amenity;
- Impact on flood risk and drainage;
- Other Matters;
- Planning Balance and Conclusion.

Principle

5.6 In October 2023 the Levelling-Up and Regeneration Act ("LURA") received royal ascent. The LURA replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.7 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.8 In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP') and Shilton Neighbourhood Plan (SNP).

5.9 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.10 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP and SNP unless material considerations strongly indicate otherwise.

5.11 The Local Plan identifies Shilton as falling within the 'Small Villages, Hamlets and Open Countryside' category of the Settlement Hierarchy. Policy H2 states that new dwellings in the 'small villages, hamlets and open countryside' will only be permitted in certain restricted circumstances, including the following of relevance to the current proposal:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings.

5.12 In terms of the general principles set out in Policy OS2, these require, amongst other things, that all development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Avoid the coalescence and loss of identity of separate settlements;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.13 Officers' concerns in relation to these particular General Principles will be discussed further below.

5.14 The Carterton sub-area strategy policy CA5 states that the focus of new housing will be Carterton and in the rest of the sub-area, this will be limited to meeting local community needs and steered towards the rural service centres and larger villages.

National Policy/Guidance

5.15 The Government's National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.

5.16 Policies H1 and H2 of the West Oxfordshire Local Plan identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031.

5.17 Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the West Oxfordshire Local Plan 2031 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply (HLS) position on the basis of local housing need using the Government's standard method.

5.18 For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Taking into account past shortfall in housing delivery and 5% buffer, the 5-year requirement for 2023-2028 is 3,060 homes. Set against this figure, the Council is currently able to demonstrate a 5.4 year supply.

- 5.19 In terms of the other relevant housing and locational policies in the WOLP, policy OS2 and the second strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date and Policy CA5 remains broadly consistent with national policy.
- 5.20 Policy H5 of the WOLP also states that proposals for self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies including policies OS2 and H2.
- 5.21 In terms of compliance with policy H2, the supporting planning statement states that there is a need for the dwellings as the Council cannot demonstrate a five-year housing land supply. The applicant has provided evidence that disputes the Council's HLS position including a suggestion that two of the allocated sites that are included in the 5-year deliverable housing count are undeliverable based on no material evidence to suggest that these applications have moved on since granting outline consent and should be excluded from the supply. This includes the Land north of Banbury Road, Woodstock (Policy EW5) and the West Eynsham Strategic Development Area (Policy EW2). The Council maintain their position set out in the latest HLS Position Statement.
- 5.22 The application is for self-build dwellings. An appeal decision in 2018 for the erection of up to 85 dwellings including 3x self-build plots on Land North of Bampton Road in Curbridge (Appeal reference APP/D3125/W/19/3230457) confirmed that there is a need for self-build plots in the district.
- 5.23 The Self-build and Custom Housebuilding (SBCH) Act 2015 introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wish to acquire serviced plots of land to bring forward for self-build/custom build projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning Act 2016 provided a duty that Councils must give 'suitable' planning permissions to meet the demand for SBCH. The Planning Practice Guidance ("the PPG") states registers are likely to be material considerations in decisions involving proposals for applications involving self-build/custom build housing. Therefore, although the contribution to the self and custom build housing supply would be relatively small, the shortfall, statutory duty, and the economic and social benefits associated with increased self build housing should cumulatively attract substantial weight in the planning balance. Three self-build units would help to meet this recognised need and so Officers are satisfied that the proposal would meet a specific local need and the requirements of policy H2 of the Local Plan.

Sustainability

- 5.24 The site lies within walking distance of some facilities and services located within Shilton village, such as a village hall, church and public house. However, there is no shop, pharmacy, school or complete footpath or cycle path that runs into the village from the site and no public transport connection. Therefore, the proposed development is likely to lead to reliance on the private motor car to access key facilities outside the village and be an unsustainable form of development contrary to policy T1 and T3 of the WOLP.

Design, Siting and Scale

- 5.25 Policy SH2 of the Shilton Neighbourhood Plan states that development proposals in Shilton village must have regard to the West Oxfordshire Design Guidance and to the following specific, common design features (which are of relevance to this application):

- The preponderance of large detached buildings set within larger plots with ancillary and subordinate buildings and structures with no tradition of subdividing plots
- The use of stone in building and roofing materials for buildings, structures, additions and extensions within the defined village boundary
- The use of stone and/or timber in building materials for buildings and structures in the agricultural idiom outside the defined village boundary
- The use of Burford Green, Oxford Blue and neutral white colours for external wood and iron work
- The value of glimpse views from inside the village through developed land to the surrounding countryside
- The absence of conventional street lighting
- The presence of key vista views from the village edges to the surrounding countryside, notably: the vista over open farmland towards Burford from Ladburn Lane.

5.26 The West Oxfordshire Design Guide (2016) is of relevance as is policy OS4 of the WOLP and paragraph 139 of the NPPF which states that development that is not well designed should be refused, especially where it fails to reflect local design policies.

5.27 Policy SH3 of the SNP is also of relevance and seeks to ensure that new development reflects the distinct identity of Shilton.

5.28 The proposed materials include local limestone and timber weatherboard walls, stone slate roofs and timber windows. The submitted Planning Statement states that the proposal will be built using a fabric-first approach to be highly sustainable and that the primary structure of the dwellings will be a bespoke Green Oak Frame, designed and constructed in-house by Oakwrights. The proposal is for the dwellings to be built using a 'post and beam' style oak frame to provide a highly insulated, well-detailed envelope that will give the dwelling a high level of energy efficiency. The proposal also incorporates renewable energy features such as solar panels, air source heat pumps and mechanical ventilation with heat recovery.

5.29 Overall, taking into account the guidance contained within the WODC Design Guide and relevant planning policy, the proposed design is considered to be acceptable.

Impact on trees and landscape

5.30 In order to assess the arboricultural and landscape impact of the proposed development, it is first necessary to identify the baseline characteristic of the application site.

5.31 In this case, the Council's aerial photographic record and experience having visited the site on 2nd January 2024, indicates that the application site has been partially cleared during the determination of this application. The applicant does not dispute that tree removal has taken place on the application site in recent years but claims that the works were carried out in compliance with two felling licences granted by the Forestry Commission ("FC"). These licences have been shared with the Council (FC Ref. 019/3217/2023 and 019/363/17-18).

5.32 The 2018 licence granted permission to fell the trees described in Part I of the licence and shown on the attached map on condition that an alternative area was restocked before 30th June two years after felling the land.

5.33 The 2023 licence granted consent to 'fell the trees described in Part I of the licence and in the areas shown on the appended map(s)' subject to the condition that:

- '1. Before 30th June two years after felling the land on which the felling took place must be:
- a) Adequately prepared for planting.
 - b) Planted with QIL (40%), BE (30%), HBM (30%) to achieve not less than 1200 stems per hectare evenly distributed over the site 2. For a period of 10 years from the planting: a. The plants must be protected against damage and be adequately weeded. b. Any failure or losses should be replaced as necessary to provide a stocking of not less than 1200 stems per hectare evenly distributed over the site.
 - c) Any planted trees must be maintained in accordance with the rules and practice of good forestry.'

5.34 Further, the licence specified that 'on completion of the felling operation, any gaps in the canopy measuring 15 metres or greater in diameter are to be restocked. No planting should take place within 3 metres of viable coppice stools or under the canopy of retained trees or edge trees. Coupes to be between 0.2 and 0.5 Ha in size.'

5.35 Whilst officers have no mechanism for ascertaining whether woodland has been restocked, the LPA has contacted the Forestry Commission and they have confirmed that there have been breaches of the 2018 licence.

5.36 The applicant asserts that as a result of restocking on a site on the south side of the village, there will be a 173% gain in woodland area and that the area at the centre of the site is now grassland. They claim that the land use at the site is no longer a woodland because permission has been granted from the Forestry Commission to fell trees.

5.37 However, the fact that the Forestry Commission has agreed to fell dying ash trees at the site and the creation of areas of open space within the woodland is quite common practice for a variety of reasons. For example, to create more varied habitats or varied character. In the view of Officers, these areas of 'open space' remain woodland - the land use has not changed.

5.38 Policy EH2 of the Local Plan (Landscape Character) states that new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds.

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

5.40 Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

5.41 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

- 5.42 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits of trees and woodland.
- 5.43 Despite the fact that large areas of ash have been felled due to dieback, the existing use of the site is as woodland. Aerial photographs do not show suggest that the site has been used for any other purpose.
- 5.44 The site is located on the edge of the village with open countryside beyond. The site makes an important contribution to the rural character and setting of the village providing a soft edge to the village and helping to clearly distinguish the village from the open countryside beyond. Therefore, Officers consider that the erection of dwellings in this location would erode the rural setting of the village and not protect the setting of the village.
- 5.45 Further, the proposed development would result in the change of use of the woodland to residential use and the loss of woodland habitat and woodland character. The woodland tree cover helps provide a soft edge to the village. It is proposed that the species composition of the replacement trees would include 40% Holm Oak along the boundaries. This is a large, evergreen, broadleaved tree that is not a component of the local countryside and will have been selected for its screening function, rather to reinforce local character and habitats. Therefore, it is considered that the replacement of woodland with residential use would adversely affect the character of the site and its surroundings and not form a logical complement to existing character of the area.
- 5.46 Policy EH2 requires conservation and, where possible, enhancement of distinctive natural and man-made features of the local landscape, including woodlands. Proposals which would result in the loss of such features will not be permitted, unless the loss can be justified by appropriate mitigation and/or compensatory measures. As woodland land use and habitat would be lost, the mitigation measures are considered to be insufficient. Whilst the Forestry Commission may have agreed to off-site compensatory planting at an alternative location in the first felling licence application, the FC are looking at it from the perspective of a different regulatory system. Therefore, the application is contrary to policy OS2 and EH2 of the WOLP.

Impact on ecology and biodiversity

- 5.47 The site is considered to be Lowland Mixed Deciduous Woodland which is classed as a Priority Habitat. The site also falls within a red zone for Great Crested Newts.
- 5.48 Policy EH3 state that impacts on priority habitats, protected species and priority species should be protected and mitigated and the loss, deterioration or harm to priority habitats should be avoided, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured. The conservation and restoration of priority habitats should be promoted. All developments should also incorporate biodiversity enhancement features and a net gain in biodiversity where possible. This is reflected in paragraph 180 of the NPPF.
- 5.49 The site is listed in the SNP as existing green infrastructure. Policy SH5 states that development proposals on land that lies within or adjoining the defined network should:
- I. demonstrate how they sustain and enhance biodiversity;
 - II. have regard to visual impact and the protection or enhancement of connectivity;

III. For either new development or the refurbishment of existing structures, they should wherever possible encourage biodiversity and protected species such as swifts, house martins, sparrows and owls.

5.50 The proposal will result in the loss of an area of Priority Habitat, but the Biodiversity Officer considers that this harm can be mitigated through appropriate measures.

5.51 In terms of impact on protected and priority species, the Biodiversity Officer has been consulted and considers that whilst there are habitats on site that require protection during construction, this could be secured through the submission and approval of a Construction Ecological Management Plan for biodiversity. Whilst the site lies within a red/amber impact risk zone for Great Crested Newts, the Newt Officer considers that there is a low risk that GCN may be present on site.

5.52 In terms of biodiversity enhancements, recommendations have been made within the application including the planting of native trees and hedgerow, wildflower planting, as well as opportunities for species including bats, nesting birds and reptiles. Further details can be secured through the submission of an Ecological Design Strategy and Landscape and Ecological Management Plan.

5.53 There are records for bats within the wider landscape and so a condition is recommended to ensure proposed external lighting is sensitively designed.

5.54 Therefore, the proposed development is considered to comply with policy EH3 of the Local Plan and the relevant parts of policy SH5 of the SNP.

Impact on highway safety and parking

5.55 The proposed development includes the creation of a new access along Ladburn Lane and the provision of off-street parking for each plot. In terms of highway safety, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Officer has been consulted and it is considered that the proposal would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. Therefore, the development is considered to be acceptable on highway safety grounds.

5.56 In terms of parking, seven car parking spaces are proposed within the site. Oxfordshire County Council's 'Parking Standards for New Developments' states that for 3-4-bedroom dwellings outside a town centre, up to 2 spaces per dwelling should be provided within the development site plus 0.2 spaces of visitor parking per dwelling. Therefore, the proposal meets the parking standards and is acceptable in this regard.

Impact on residential amenity

5.57 In terms of residential amenity, whilst there would be a small increase in the numbers of comings and goings from the site and some impact to outlook from neighbouring properties along Ladburn Lane, given the small number of dwellings proposed and positioning and orientation of the dwellings, Officers do not consider that the proposal would have a detrimental impact on the amenity of neighbouring residents.

5.58 The dwellings are provided with sufficient outdoor and indoor amenity space and therefore are considered to provide an acceptable level of amenity for future occupants.

Impact on drainage and flood risk

5.59 Regarding impact on flood risk and surface water drainage, according to the Environment Agency's Flood Maps for Planning, the proposed buildings are in flood zone 1. The Council's Drainage Officer has been consulted and a condition is requested requiring the submission and approval of a surface water drainage scheme prior to the commencement of development. Subject to this condition, Officers consider that the proposed development would be acceptable in flood risk and surface water drainage terms.

5.60 In terms of foul surface water, Thames Water have advised that they would not have any objection to the proposed development.

Other Matters

5.61 The applicant has submitted some appeal decisions for consideration. One appeal relates to a site in the open countryside for 9 self-build houses in Mid Suffolk (appeal reference APP/W3520/W/23/3316136). Here the Inspector found that the Council had a shortfall of self-build units and that the weight of failing to meet the statutory duty was substantial. In addition, the Inspector found that the Council did not have a self-build policy which meant that paragraph 11d of the NPPF (the tilted balance) should be engaged. The Inspector also found that there were no other planning harms arising from the development. In this case, there are other harms which are considered to weigh against the social and economic benefits to the community from the provision of self-build plots and the Council's self-build policy is considered to be up-to-date and consistent with the NPPF.

5.62 The other appeal example relates to a site in West Oxfordshire ('Land to the rear of Brock Cottage') (appeal reference APP/D3125/W/21/3274197) for 2 self-build dwellings. The site lies at the end of a stretch of ribbon housing on Burford Road with the B4477 "Brize Norton" bypass on one side. In this appeal the Inspector found that there would be harm to the character and appearance of the area in conflict with policy OS2 and H2 of the Local Plan, but that the Council's failure to meet its self-build housing demand and the extent of the shortfall, along with the economic and social benefits would cumulatively amount to substantial weight in the balance and that material considerations would be sufficient to allow the appeal. Whilst the number of dwellings are comparable, in this case the site is situated in an unsustainable location and is a particularly sensitive site in terms of its contribution to the character and setting of the village which weigh against this substantial weight. Further, since the passing of the LURA, applications must be determined in accordance with the development plan, unless material considerations strongly indicate otherwise.

5.63 The applicant also argues that the development makes effective use of land. Section 11 of the NPPF promotes the effective use of land. Paragraph 124 of the NPPF states that planning decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, cooling/shading and carbon storage and that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposed development is on undeveloped land (woodland) which can perform many functions, such as for wildlife, cooling/shading and carbon storage. Therefore, Officers do not consider that the proposed development makes effective use of land.

5.64 The applicant has agreed to enter into a Unilateral Undertaking to secure the dwellings as self-build plots should planning permission be granted.

Planning Balance and Conclusion

5.65 In conclusion, taking into account planning policy, the representations of interested parties and other material considerations, it is considered that the proposed development would be an unsustainable form of development that would promote reliance on the private motor-car and cause harm to the setting and character of the site and surrounding area contrary to policy OS2, EH2, T1 and T3 of the WOLP.

5.66 The Council cannot demonstrate that it has met its duty to provide enough self-build plots and currently has a shortage of self-build plots in the district. The dwellings would provide some economic benefits through their relatively quick built-out and through construction. There would also be social benefits from increasing the vitality of the village. However, these benefits would be minimal as only three dwellings are proposed. The shortfall of self-build plots would afford substantial weight in favour of the development, as identified by a Planning Inspector in the Burford Road appeal. However, the substantial weight to be afforded to the provision of 3 self-build plots is not considered to strongly outweigh the harms that would arise from conflict with the development plan and harms identified above. Therefore, the application is recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposed development would result in the change of use of the woodland to residential use and the loss of woodland habitat and woodland character contrary to policy OS2 and EH2 of the West Oxfordshire Local Plan (2031).
2. The proposed development would result in the change of use of the woodland to residential use. The woodland tree cover helps provide a soft edge to the village and it is considered that the replacement of woodland with residential use would adversely affect the setting of the village contrary to policy OS2 and EH2 of the West Oxfordshire Local Plan (2031).
3. The proposal is not located within walking distance of a shop, pharmacy, school and there is no complete footpath or cycle path that runs into the village from the site and no public transport connection. Therefore, it is considered that the proposed development would promote the use of the private motor car and be an unsustainable form of development contrary policy OS2, T1 and T3 of the West Oxfordshire Local Plan (2031). Officers acknowledge the benefits of the provision of three self-build dwellings. However, these benefits are not considered to strongly outweigh the harms that would arise from conflict with the development plan.

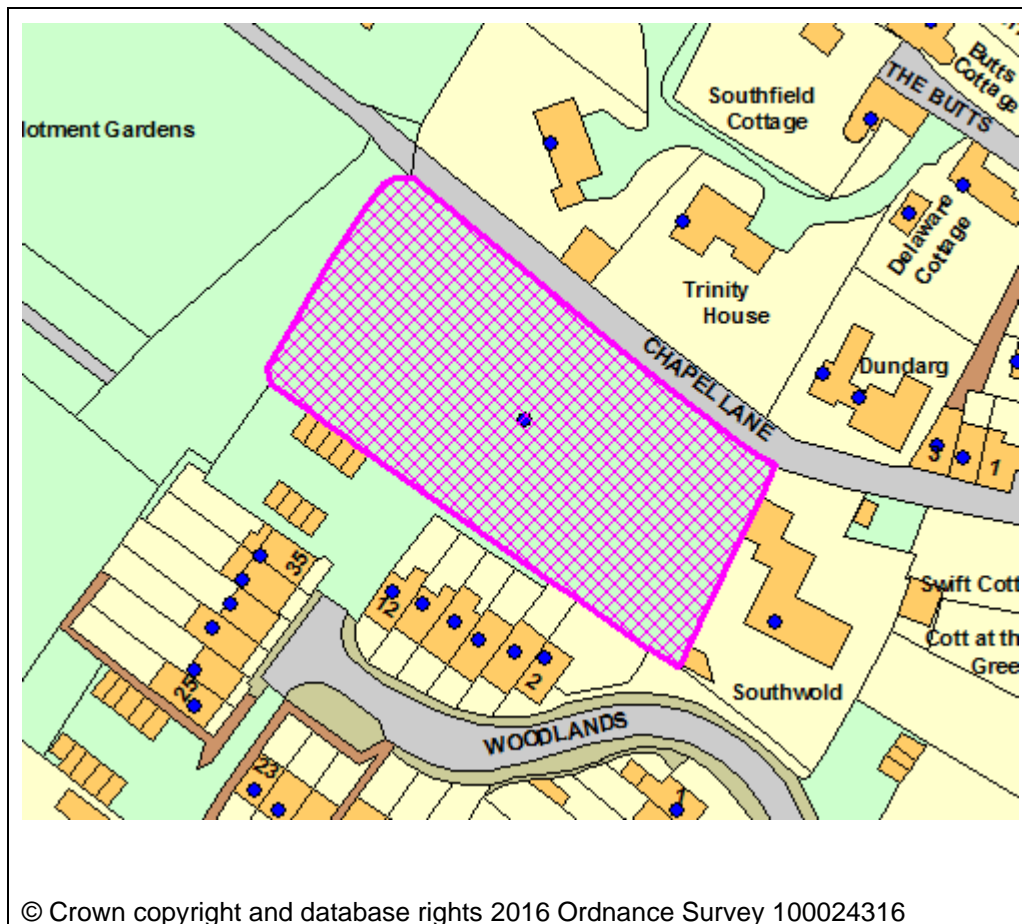
Contact Officer: Clare Anscombe

Telephone Number:

Date: 21st February 2024

Application Number	23/02849/FUL
Site Address	Land South West Of Chapel Lane Standlake Oxfordshire
Date	21st February 2024
Officer	Esther Hill
Officer Recommendations	Refuse
Parish	Standlake Parish Council
Grid Reference	439750 E 203347 N
Committee Date	4th March 2024

Location Map



Application Details:

Erection of a dwelling with double garage, adapted vehicular entrance point and related landscaping

Applicant Details:
NPES Developments Ltd
C/o Agent

I CONSULTATIONS

Thames Water

13.12.2023- No Objection.
Re: LAND SOUTH WEST OF, CHAPEL LANE, STANDLAKE,
WITNEY, OXFORDSHIRE, OX29 7SE

Waste Comments:

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

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

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

Water Comments:

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

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

OCC Highways

05.02.2024- No objection subject to condition.

I have visited the application site and surrounding area on a number of occasions at peak hour/off peak times and at school drop off/pick up times. I have observed the use of the lane and the adjacent highway by pedestrians of all ages as well as cycles and vehicles.

You will be aware from previous submissions for the site given the substandard geometry and visibility of Chapel Lane, together with the users, that any significant intensification of vehicular use of the lane would be unacceptable and detrimental to the safety and convenience of all users.

You will be aware that the recent amendment seeks in part to replace the agricultural use of the remainder of the site not used for the dwelling with a ' wild-flower meadow ' that would generate only a few vehicular movements annually ie resulting in no significant intensification of vehicular use and ' highway ' reason for refusal.

In my most recent consultation response I commented, in part, as follows -

..... Much has been written about the historical use of the site, the keeping of chickens and the manner of working the land but nevertheless the existing use is agriculture and as such has the potential to generate a similar number of movements to that associated with a single dwelling.

I have not requested any conditions requiring highway or lane improvements/ yellow lines etc which given no significant

intensification of use, would in my opinion fall foul of the conditions test detailed in Paragraph 55 of the NPPF.

Given the lack of any intensification of vehicular use along Chapel Lane there is little that I can add to the debate at committee and must therefore decline to attend that meeting. I will however attend the members' site visit earlier that day if you consider that my presence would be helpful to members.

WODC Drainage

20.02.2024- Objection.

Further to our site visit yesterday and taking measurements to groundwater on the application site, the neighbouring site "Southwold" and the allotments site I have the following observations to make -

- -One of the areas of contention is the depths to groundwater measured on all 3 sites and the questioning of the accuracy of the information provided/frequency of measurements taken. The OTT HydroMet logger is installed within Southwold adjacent to the boundary of the application site, and according to the topographical survey submitted is located on land at a level of approximate 65.90m AOD, 100mm lower than where the borehole is located in the field at 66.00m AOD. The locations are approx. 30m apart. It would have been useful if my suggestion to locate the Hydromet logger in the field adjacent to the borehole had been followed up, but I understand that neither Planning nor the applicant was in agreement with this (according to their consultant Infrastructure).
- The OTT HydroMet logger records ground water levels every 15 minutes and the information recorded is available on their website. This clearly indicates the rise and fall of the water table between wet and dry spells and has been continually recording data from 19th January 2024. From this date, only 8 readings have been supplied for the borehole in the field, with photographic evidence of only 5 dates/readings provided. Only 1 of the photos are dated, which has the depth to groundwater incorrectly recorded as 700mm instead of 800mm (800mm is scribbled out in the photo of the book readings you took on site yesterday), so I have had to take the average readings for the Hydromet logger for each of the days to compare with the field readings.
- The distance in depth to the groundwater readings varies between Southwold and the field, from 14mm on the 22/1 to 335mm on the 26/1, with the water table being higher at Southwold each time, therefore no consistency can be identified which could relate to the difference in ground

level for each monitoring station. The reading taken manually at Southwold yesterday ties up with the Hydromet reading from their website.

- The distance to groundwater on the allotment was measured yesterday and was 45mm higher than at Southwold.
- After measurements had been taken at Southwold and the allotments site we returned to the application site and looked at the open trial pit that was barriered off but which I had not been shown when taking readings of the borehole in the field, under Planning's powers of entry. The depth to groundwater was measured as 240mm.
- The height of the borehole is 630mm and the depth to water was 985mm, giving a depth to water of 355mm, 255mm lower than at Southwold. However, it was noted that the borehole tube was installed in a dip in the ground with a plank of wood laid across the undisturbed ground either side with a 60mm gap to the bottom of the shingle surround. Measurements were taken from the bottom of the wood as the ground was not level around the tube, but had they been taken from the bottom of the shingle the depth to groundwater would have been 295mm, less than the 300mm minimum required for water treatment under Table 26.4 of Ciria C753.
- It is noted that no readings were taken in the field on 9th February or 18th February, when readings of 8mm and 4mm respectively were measured at Southwold, therefore there has not been enough monitoring in the field to prove the site is suitable for infiltration.

I am therefore renewing my objection to the scheme on the basis that there is not enough evidence the development can go ahead based on infiltration due to inadequate groundwater monitoring. If the Planning Committee is able to defer their decision again I suggest the applicant is given the option to consider an alternate design that incorporates above ground tanked attenuation with slow release into the water table.

Parish Council

15.02.2024 Standlake PC objects to this amended application, and the grounds for objection remain the same as those for original application.

The council find that the latest information from the applicant does nothing to change those objections.

Indeed, the council is concerned that this information, provided by the applicant's consultants, appears selective and erroneous when compared to the resident's consultant's detailed findings.

2 REPRESENTATIONS

2.1. A total of 133 third party objection comments have been received (as of 20.02.2024). Since the 8th January Planning Sub Committee the following additional concerns have been raised:

- The data for ground level water has not been recorded at the peak levels corresponding to dates of flooding in other areas of the village.
- The lane is significantly narrowed on bin day.
- There have been accidents, but they have not been reported on Crashmap. Accidents are only uploaded to Crashmap by Thames Valley Police if they are in attendance and personal injury has occurred.
- The new data does not correspond with that collected by the neighbours.
- There are still incongruous measurements, misleading information and there appears to be errors in the additional supporting information provided.

2.2. Since the 8th January Planning Sub Committee the following additional documents have been submitted:

- Updated Hydrologist Report by Michael Green B.Eng (Hons), M.Sc, C.Eng, MCIWEM C.WEM
- Objection Letter by Mr Gears, providing a summary of the local terrain mapping obtained by using LIDAR (Laser Radar), a Digital Terrain Model licenced by Environment Agency 2020.
- Groundwater monitoring data collected from boreholes with neighbouring property 'Southwold' and the adjoining allotments.

2.3 A total of 13 support comments have been received. No new support comments have been received since the 8th January Planning Sub Committee.

3 APPLICANT'S CASE

3.1 A number of supporting documents have been submitted with the application. The applicants Planning Statement is concluded as follows:

3.2 This proposal seeks to build a high-quality, family sized dwelling that is sustainable in both its property use and location. The proposal seeks to achieve a level of development which is appropriate and consistent for the locality and the plot's size.

3.3 The site is sustainably located within an established residential area. It is well served by means of transport links to local towns and is within easy reach of day-to-day amenities such as the local shop.

3.4 The scale and form of the proposed development is greatly governed by the surrounding context, site limitations and the character of the village. The massing and height of the dwelling is broadly the same, if not smaller than neighbouring properties and the surrounding context so that it would not appear dominant or visually obtrusive to neighbouring properties views.

- 3.5 The design of the dwelling has been carefully considered and care has been taken in the positioning of feature windows serving habitable rooms to ensure that there would be no overlooking or compromises on privacy.
- 3.6 The proposed planting, wild-flower meadow and the retention of existing vegetation will give the site a verdant character as well as maintaining its biodiversity on the site. Overall, the proposal therefore is deemed to have a positive impact to Chapel Lane and represents a sustainable development.
- 3.7 It is therefore hoped that the proposal would meet with the support of Officers.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH11 Listed Buildings
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
NPPF 2023
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point.
- 5.2 The site is a parcel of land located to the south of Chapel Lane, Standlake. The site is considered to be agricultural in nature and not currently domestic. Officers understand the site was used for small scale arable farming and chicken grazing.
- 5.3 The site itself is not subject to any landscape or heritage designations. However, two grade II listed buildings are located approximately 65m to the east of the site (Swift Cottage and I The Green). A further grade II listed building is located approximately 58m to the northeast of the site (Delaware Cottage).

- 5.4 A group Tree Preservation Order (TPO ref. 141.66) is present immediately to the south (but outside) of the site on Woodlands. A Tree Preservation Order (TPO ref 141.298) is placed on the single walnut tree inside the field (but not part of the development site).
- 5.5 The site is accessed by a single-track road with no footpaths. The single-track road currently serves the parking areas for 7 dwellings, allotments and the field partly to be developed.
- 5.6 This application was deferred at the Lowlands Planning Sub Committee on 8th January for a Members site visit and to allow for additional consultations following the submission of additional drainage information. Members also asked for additional comments from the WODC Drainage Officer and the OCC Highways Officer.

Relevant Planning History

- 5.7 22/01908/FUL: Erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point (amended plans). Withdrawn 14.08.2023.
- 5.8 21/01060/FUL: Construction of a detached dwelling and detached double garage along with associated works. Withdrawn 24.06.2021
- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties officers are of the opinion that the key considerations of the application are:
- Principle of Development;
 - Flood Risk;
 - Highways;
 - Design, Layout and Heritage Impacts;
 - Residential Amenity;
 - Ecology; and
 - Conclusion
- 5.10 The principle of development, design, layout, heritage impact, residential amenity and ecology have all been detailed and considered acceptable within your officers committee report submitted for the Lowlands Planning Sub Committee on 8th January 2024.
- 5.11 This report will assess the additional information which has been provided relating to drainage and highway impact. The report also considers the additional third-party representations which have been received since the Lowlands Planning Sub Committee on the 8th January 2024.

Highways

- 5.12 Your officers have re consulted with the OCC Highways department as requested at the last committee. Members also asked for clarification as to whether the Highways Officer had considered that the lane is also used as a pedestrian footpath. Members asked whether there were any improvements to the lane and access at The Green which could be included as part of this application, such as double yellow lines. Your officers advised the OCC Highways Officer of Members concerns and asked for clarification to the points raised. The OCC Highways Officer has provided the following response:

5.13 I have visited the application site and surrounding area on a number of occasions at peak hour/off peak times and at school drop off/pick up times. I have observed the use of the lane and the adjacent highway by pedestrians of all ages as well as cycles and vehicles.

You will be aware from previous submissions for the site given the substandard geometry and visibility of Chapel Lane, together with the users, that any significant intensification of vehicular use of the lane would be unacceptable and detrimental to the safety and convenience of all users.

You will be aware that the recent amendment seeks in part to replace the agricultural use of the remainder of the site not used for the dwelling with a ' wild flower meadow ' that would generate only a few vehicular movements annually ie resulting in no significant intensification of vehicular use and ' highway ' reason for refusal.

In my most recent consultation response I commented, in part, as follows -

..... Much has been written about the historical use of the site, the keeping of chickens and the manner of working the land but nevertheless the existing use is agriculture and as such has the potential to generate a similar number of movements to that associated with a single dwelling.

I have not requested any conditions requiring highway or lane improvements/ yellow lines etc which given no significant intensification of use, would in my opinion fall foul of the conditions test detailed in Paragraph 55 of the NPPF.

Given the lack of any intensification of vehicular use along Chapel Lane there is little that I can add to the debate at committee and must therefore decline to attend that meeting. I will however attend the members' site visit earlier that day if you consider that my presence would be helpful to members.

5.14 For the reasons stated above the OCC Highways specialist has maintained their no objection to the development in terms of highway safety and convenience, subject to a condition stating the parking areas must be built in accordance with the details provided. Given the OCC Highways Officer cannot demonstrate any intensification to the existing access, they consider it unreasonable to request any improvement features to the existing access point at The Green. The proposal is therefore considered to comply with Policies OS2 and T4 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

Drainage

5.15 Since the last committee the applicants have submitted an additional groundwater monitoring report which has included photos of the measurements taken.

5.16 Third party representatives have dug three boreholes which surround the application site and are using groundwater monitoring equipment (OTT HydroMet logger) to take their own groundwater measurements. Two of the boreholes are situated within 1m of the southeastern site boundary and the third borehole is situated within the allotments to the northwest of the application site.

5.17 On 19th February the WODC Drainage Officer and I conducted a site inspection of the borehole and trial pit within the application site and the three boreholes surrounding the site.

5.18 Your officers have carefully considered the additional information provided by the applicant, the information provided by the third party representatives and the information gathered onsite during the site inspection. A detailed response has been provided by the WODC Drainage Officer and can be viewed within the relevant section above. Your officers have summarised the findings below:

5.19 A OTT HydroMet logger has been installed by the neighbouring property Southwold, adjacent to the boundary of the application site. The logger provides regular groundwater readings. It is however noted that the logger is 100mm lower than the borehole within the application site and that they are approx. 30m apart. Your officers therefore note that it is unlikely that the borehole within the site would have the same readings as the borehole situated within Southwold.

5.20 However, the data being provided by the OTT HydroMet logger records ground water levels every 15 minutes clearly indicating the rise and fall of the water table between wet and dry spells and has been continually recording data from 19th January 2024. From this date, only 8 readings have been supplied by the applicant for the borehole within the application site, with photographic evidence of only 5 dates/readings provided. Only 1 of the photos are dated. Your officers have therefore taken the average readings from the Hydromet logger for 22nd January and 26th January and compared them to the data provided by the applicant. The distance in depth to the groundwater readings varies between Southwold and the borehole within the application site, from 14mm on the 22nd January to 335mm on the 26th January, therefore no consistency can be identified which could relate to the difference in ground level for each monitoring station.

5.21 Your officers took a reading from a trial pit situated along the southwestern boundary of the application site. The depth to groundwater was measured at 240mm falling below the 300mm minimum required for water treatment under Table 26.4 of Ciria C753.

5.22 The ground water measurement of the borehole within the application site was 355mm. However, it was noted that the borehole tube was installed in a dip in the ground with a plank of wood laid across the undisturbed ground either side with a 60mm gap to the bottom of the shingle surround. Measurements were taken from the bottom of the wood as the ground was not level around the tube, but had they been taken from the bottom of the shingle the depth to groundwater would have been 295mm, again less than the 300mm minimum required for water treatment under Table 26.4 of Ciria C753.

5.23 There are not enough readings being taken of the borehole within the application site to demonstrate that the site is suitable for infiltration.

5.24 In light of the findings above, your officers conclude that there is not enough evidence to demonstrate the proposed infiltration would be viable due to inadequate groundwater monitoring at this site. Therefore, it has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or indeed, existing occupiers of dwellings in the area.

5.25 A significant number of objections received from third party representatives related to Thames Water and the lack of capacity in the village sewer network.

5.26 Thames Water have commented on this application stating '*With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 and 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required*'. A viable drainage strategy has not been demonstrated and it is not clear whether infiltration is possible at this site thus, surface water must be directed to the existing sewers, which objectors state cannot cope. Thames Water however note that '*The developer should liaise with the LLFA (drainage team) to agree an appropriate sustainable surface water strategy following the sequential*

approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding'.

5.27 Therefore, we have Thames Water stating their sewers can cope with additional surface water as the development is of such a small scale. However, local objectors and the Council's Drainage Officer do not agree and are of the opinion that from the information before us it has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or indeed, existing occupiers of dwellings in the area.

5.28 Local Plan Policy EH7 states 'all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal'. The NPPF 2023 (paragraph 173) states 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'. Based on the information available to officers, it has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or indeed, existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF 2023.

Additional Representations

5.29 Since the last committee a further 20 objection comments have been received. The concerns raised are mostly in line with those made previously. Any additional points have been summarised below:

- The data for ground level water has not been recorded at the peak levels corresponding to dates of flooding in other areas of the village.
- The lane is significantly narrowed on bin day
- There have been accidents but they have not been reported on Crashmap. Accidents are only uploaded to Crashmap by Thames Valley Police if they are in attendance and personal injury has occurred.
- The new data does not correspond with that collected by the neighbours.
- There are still incongruous measurements, misleading information and there appears to be errors in the additional supporting information provided.

5.30 Since the previous planning committee the following additional documents have been submitted:

- Updated Hydrologist Report by Michael Green B.Eng (Hons), M.Sc, C.Eng, MCIWEM C.WEM
- Objection Letter by Mr Gears, providing a summary of the local terrain mapping obtained by using LIDAR (Laser Radar), a Digital Terrain Model licenced by Environment Agency 2020.
- Groundwater monitoring data collected from boreholes with neighbouring property 'Southwold' and the adjoining allotments.

5.31 Standlake PC maintain their objection to this amended application, and the grounds for objection remain the same as those for the original application.

5.32 The comments received as part of this application have been carefully considered by your officers when assessing this application.

Conclusion

5.33 In light of all the information before us, your officers do not consider that it has been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF. As such, your officers are recommending the refusal of this application.

6 REASONS FOR REFUSAL

1. It has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF.

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Date: 21st February 2024