

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 9th September 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.

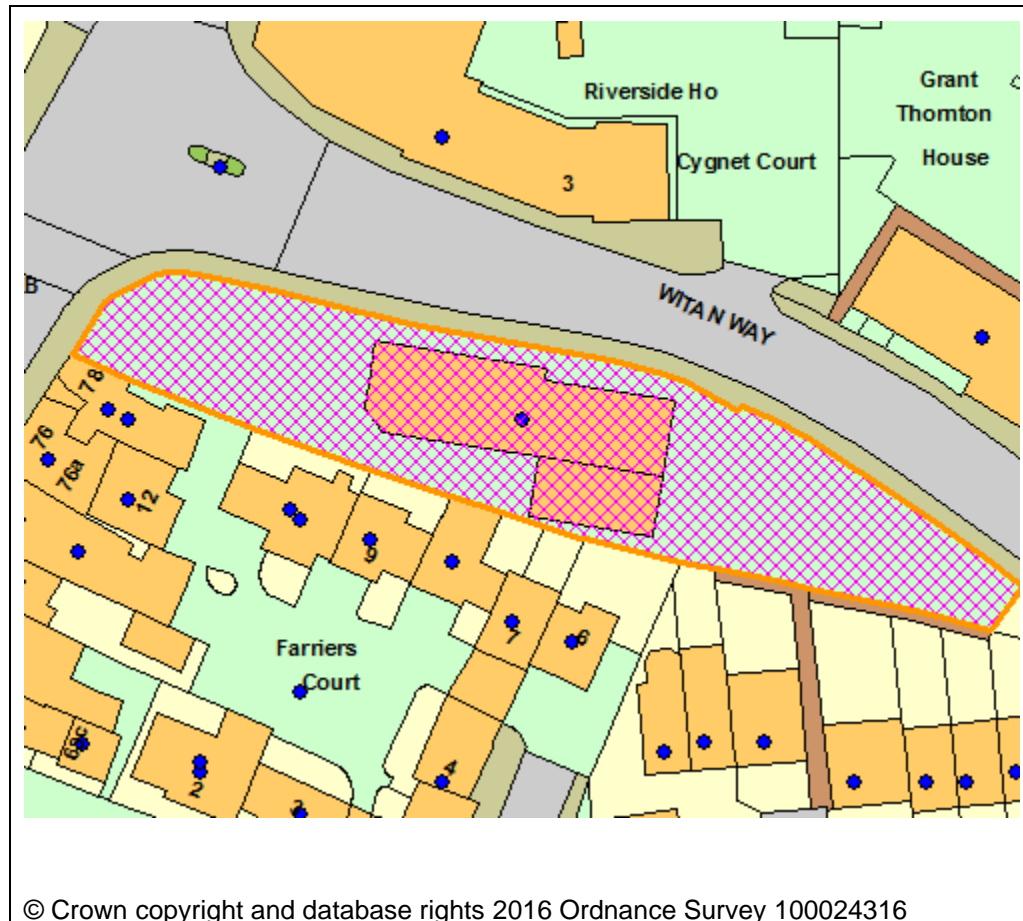
Please note that:

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 |
|-------------|---------------------------|---|-------------------|
| 1 | 23/03056/FUL | Welcome Evangelical Church, High Street, Witney | James Nelson |
| 2 | 24/00126/FUL | Culfre, Bampton Road, Clanfield | Clare Anscombe |
| 3 | 24/01471/FUL | Land West Of Colt House, Aston Road, Bampton | James Nelson |
| 4 | 24/01616/FUL | 36 Common Road, North Leigh | Sarah Hegerty |

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| Application Number | 23/03056/FUL |
| Site Address | Welcome Evangelical Church High Street Witney Oxfordshire OX28 6HL |
| Date | 28th August 2024 |
| Officer | James Nelson |
| Officer Recommendations | Approve |
| Parish | Witney Town Council |
| Grid Reference | 435778 E 210032 N |
| Committee Date | 9th September 2024 |

Location Map



Application Details:

Alterations and extensions to church building (amended plans).

Applicant Details:

Mr Craig Gibson
Welcome Evangelical Church
High Street
Witney
Oxfordshire
OX28 6HL

I CONSULTATIONS

Environment Agency

Initial Comments 20.03.2024

OBJECTION- The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. Based on the submitted FRA and accompanying plans, it is unclear whether the built development in this proposal lies within Flood Zone 2 or 3 and whether there is any built increase in the 1% annual exceedance probability (AEP) + climate change (CC) allowance.

Reconsultation 09.05.2024

Objection maintained.

Reconsultation 11.07.2024

Upon review we are satisfied the additional information provided addresses our earlier concerns. We withdraw our previous objection and recommend the below planning condition is included on the decision notice *Condition as per section 6.*

Conservation And Design
Officer

Initial Comments 24.01.2024

This is an interesting modern structure, prominently located on a nodal corner of the Conservation Area, where its characterful split west gable provides something of a landmark.

The current proposal is for sizable extensions. The additions to the south and east are relatively unproblematic, but that to the west end would be prominent, fussy, busy, and truly transformative - and that distinctive split west gable would be lost. In my view they need to start again with this part of the proposal. I suggest that a very low single storey extension might work here. And as this is a modern structure I wouldn't rule out an extension in plane, carrying the split west gable form further west, and exactly as existing - providing that the design is good, and the roof materials matched.

Comments on amended plans 04.03.2024

No objection.

Env Health Noise And Amenity No objection to this proposal but I would ask for the following conditions to be attached to any consent granted:

Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday-Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.

Prior to the commencement of any work that applicant shall submit to, and have approved by, the Local Planning Authority, a construction Management Plan. The plan shall include, but not limited to, details of how noise and dust are to be minimised and controlled, how delivery of materials and material storage are to be undertaken, waste management and materials recycling and contractor welfare.

Reason: To protect the amenity of the neighbourhood.

Environment Agency

See above.

Parish Council

Initial consultation

While Witney Town Council does not object to this application in terms of material concerns, it notes the increased footprint and would ask that mitigating measures are considered to help decrease the strain on the local sewer network. There are known issues locally, particularly during heavy rainfall and subsequent high infiltration rates. Members ask that a SUDS strategy and mitigating measures are considered to help decrease the possibility of surface water flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031.

Amended Comments

Witney Town Council notes the amended documents submitted for this application but recognises the concerns of the Environment Agency and their technical expertise in relation to an acceptable flood risk assessment. In its previous response, the Council noted the increased footprint and asked that mitigating measures be considered to help decrease the strain on the local sewer network and commented on known local issues, particularly during heavy rainfall and subsequent high infiltration rates. Given the site location and associated flood risk, the Council stressed the importance of flood protection from both surface and potential sewage water for this site, and neighbouring properties, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031. As these, and more importantly, the Environment Agency requirements have not been met, Witney Town Council objects to this application.

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| Conservation And Design Officer | See above. |
| Env Health Noise And Amenity | See above. |
| OCC Highways | <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:</p> <ul style="list-style-type: none"> • G28 parking as plan, • G11 access specification, • Prior to 1st use of the proposed access the provision of 2.0 x 2.0m pedestrian awareness visibility (no obstruction in the splay to exceed 0.6m high). • G13 close ex access(s) reinstate highway kerb-line and footway. |

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

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| WODC Drainage | No objection subject to surface water drainage condition as per section 6. |
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| District Ecologist | <p>The ecological report has concluded that the building on site holds negligible suitability for roosting bats, therefore this constraint do not need to be considered further. However, the report recommends that a pre-works inspection of the vent gap identified on the south west corner of building 1 is carried out to ensure that bats are absent. Furthermore, the site is in close proximity to the Lower Windrush Conservation Target Area and the Grimes Meadow and Little Grimes Local Wildlife Site, and the report has made outlined that best practice measures are to be adhered to during construction to minimise the impacts of pollution to these areas as well as precautionary methods of working to safeguard species on site. Therefore, the above compliance condition is recommended to ensure that these precautionary measures are carried out.</p> |
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The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 180, 185 and 186 of the revised NPPF (2023) and local plan policy EH3. The applicant intends to install a green roof as part of the development as well as landscaping enhancements; therefore, the above landscape enhancement conditions are recommended to ensure appropriate species and establishment details secure a net gain. In addition, the Councils

mapping system shows records for multiple swift hotspots and records for bats in the wider landscape, including soprano pipistrelle and brown long-eared bat. Therefore, the above enhancement condition is recommended to provide additional roosting and nesting opportunities and increase biodiversity on site. The above lighting condition is recommended to ensure that any external lighting is sensitively designed to reduce light spill and that additional lighting is not directed towards enhancement features for roosting bats and nesting birds.

I note that the site falls within an Amber impact risk zone for great crested newts as per the district licensing mapping, however, given the scale of the development, the overall hard-standing nature of the site and surrounding areas, and lack of ponds within 250m of the site, it is unlikely that great crested newts will be a constraint to development and therefore does not need to be considered further.

Green roof later removed from scheme.

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| Parish Council | See above. |
| OCC Highways | See above. |
| WODC Drainage | See above. |
| Environment Agency | See above. |

2 REPRESENTATIONS

Initial Consultation

2.1 A total of 12 objection comments were received at the initial consultation stage. The following material planning considerations have been raised:

- Matters relating to alteration of boundary wall (subsequently removed from the scheme),
- Disturbance/dust during construction,
- Increased disturbance from events due to increase in capacity and proximity of facilities to residential dwellings,
- Loss of light and overbearing impacts,
- Loss of privacy/ overlooking from proposed rooflights,
- Lack of parking,
- Excessive scale and bulk,
- Flood risk/susceptibility to flooding/sewerage capacity.

Reconsultation on Amended Plans

2.2 The amended submission necessitated a reconsultation in order to allow third parties the opportunity to make representations in light of the changes made to the scheme. A further 8 comments have been received in response to the amended plans. The following additional planning matters are raised:

- The reduced proposals would still result in loss of light, overbearing, overlooking and disturbance to Farriers Court,
- Proposal remains excessive in scale and too close to historic boundary wall,
- Parking, construction disturbance and flooding/drainage concerns unaddressed.

3 APPLICANT'S CASE

3.1 A Design and Access Statement was submitted alongside the application. The following points remain pertinent given the changes made to the scheme.

3.2 'The application site is the main building of the church and existing car parks to support the use of the church. The site is situated centrally within Witney and is accessed by 2 of Witney's main roads, The High Street and Witan Way. The Site also falls within the Witney & Cogges Conservation Area... The main body of the church is roughly 1920s and has been altered and extended a number of times of the years. The most significant extension to the East constructed in 1970 and then a second extension to form the first-floor rooms over the drive in 1995.'

3.3 'The alterations and works proposed to the church are in response to the growth of the congregation and the increased outreach within Witney and its services that the church provides. The leadership team have put a short statement together of their internal and outreach services that they offer.'

3.4 'Two of the major issues with the current building are the separation of the core building services and the lack of space within the main hall due to the orientation and the location of the current main entrance... The proposed removal of the front carpark has a number of benefits, removing the site entrance from the High Street and its closeness to the junction. The main benefit is to allow an area of garden to be formed, introducing an area greening to a part of Witney that is heavily developed and to provide and soften the setting of the church.'

3.5 'The proposal to remove the parking at the front of the site and the High Street access is to improve safety concerns and remove proximity to the main junction and traffic lights. The northern site access is proposed to be relocated 3-4m further down the site to improve the site access and move it further away from the traffic lights. The added benefit would be to allow disabled parking closer to the rear entrance of the building... Due to loss of the front carpark and the removal of 6 parking spaces, we have improved the rear car layout to increase the new car space to 10 and included a large array of Bicycle racks to encourage more sustainable methods of travel to the building. The church also has a long-standing relationship with River side house and the use of their car park on the weekend. The site is also within 200m of the Witan Way public carpark. The church are putting together a transportation strategy to encourage the church congregation to use public transport, public parking and cycling due to the demand of on-site parking.'

3.6 The amended plans are accompanied by a 'Statement of Alterations', which provides a summary of the changes made to the scheme in response to Officer's initial concerns. The key points are set out below.

3.7 'Size of the western extension to form the new Main lobby:

- The main two-story extension has been reduced significantly and the width and height of the extension altered to match that of the original building.

3.8 External appearance and angle of the western extension:

- Based on the comments from the conservation officer, the single-story aspect of the main extension has been removed and the external appearance has been altered to maintain the original features of the existing building. Keeping it parallel with the original building and maintaining the existing roof line.

3.9 Size and height of the southern extension:

- The depth and overall length of this extension has been reduced to allow for a passageway between the boundary wall and the new extension.
- The roof style has been changed from a mono pitched lean-to roof to a single flat roof to reduce the mass of the extension and reduce the impact on the neighbouring properties.
- Sedum roof has been removed to reduce requirements for future maintenance.

3.10 Location of the southern extension to the boundary wall:

- To remove the need for any works to the boundary wall, the extension has been brought further into the site.'

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development

OS2 Locating development in the right places

OS3 Prudent use of natural resources

OS4 High quality design

E5 Local services and community facilities

E6 Town centres

T2 Highway improvement schemes

T3 Public transport, walking and cycling

T4 Parking provision

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2023

DESGUI West Oxfordshire Design Guide

PLANNING ASSESSMENT

Background

5.1 This application seeks consent for alterations and extensions to an existing church building at the Welcome Evangelical Church, High Street, Witney.

5.2 The application has been altered by the submission of amended plans which have been subject to re-consultation. A summary of the amendments made has been provided by the applicant and is summarised in Section 3.

5.3 The proposal is brought before Members of the Committee due to the objection of the Town Council and councillor call in and was deferred at the August meeting to enable a site visit.

5.4 The application site occupies a prominent corner plot at the conference of Witan Way and High Street. The site is within the Witney and Cogges Conservation Area and lies in close proximity to the following listed buildings:

- 64, 76,76A and 78, High Street- Grade II Listed and located adjoining the western corner of the site;
- 71 High Street- Grade II Listed and located approximately 23m from the western corner of the site;
- 75-79 High Street- Grade II Listed and located approximately 19m west of the application site; and
- 92 and 94 High Street- Grade II Listed and located approximately 29m north of the application site.

5.5 The application site is also washed over by Flood Risk Zone 2 and partially within Flood Risk Zone 3.

Relevant Planning History

5.6 The application site benefits from a long-established use as a place of worship, which falls under Use Class F1 under the Town and Country Planning (Use Classes) Order 1987 (as amended). In 2013 under ref. 13/0643/P/FP, permission was granted for works to alter the external appearance of the building and provide a porch, inter alia. In 2018, the building's windows and a fire door were replaced under ref. 18/02905/FUL.

Development plan

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

5.8 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers consider that the key considerations in this assessment are:

- Principle
- Siting, Scale and Appearance
- Impact upon Heritage Assets
- Impact upon Neighbourly Amenity
- Flood Risk/Drainage
- Highways
- Ecology

5.9 Each will be fully considered in the following sections of this report.

Principle of Development

5.10 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site lies within the built-up area of Witney, the largest of the 'main service centres' in the District. Given the proposal would supplement an existing land use in a sustainable town centre location, your officers consider that the proposal accords with the spatial requirements of Policy OS2 as well as E6, which seeks to protect town centre uses.

5.11 WOLP Policy OS2 also sets out a series of general principles with which all development should comply. Those relevant in this case are that new 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;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere; and
- Conserve and enhance the natural, historic and built environment.

5.12 Policy E5 is also relevant with regard to development affecting local services and community facilities, which includes places of worship. Policy E5 states:

'The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.'

5.13 Your officers consider that the proposed alterations and extension to support the existing use of the site would accord with the provisions of E5, which seeks to support the development of such facilities. The proposed development is therefore considered acceptable in principle subject to consideration of the remaining matters below.

Siting, Scale and Appearance

5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). The general principles of WOLP Policy OS2 require all development to 'be of a proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

- 5.15 The proposed works include a two-storey extension to the west elevation continuing the form and height of the existing block and projecting approximately 10m. To the south elevation, a flat roofed single storey addition is proposed. This would be staggered in footprint due to the shape of the plot and reach a modest height of approximately 3m. An existing undercroft would also be infilled to provide further internal space and a porch/WC added to east elevation. The proposals also include changes to fenestration on the east elevation, the insertion of solar panels to the south-facing roofslope and rooflights to serve the upper floor of the building. An external stair would be removed. In terms of materials, the proposal would largely read as in keeping with the existing building, with matching stone and render used as well as concrete tiles as well as aluminium glazing, standing seam zinc and timber. Proposed site works include changes to landscaping as well as the parking/access arrangement.
- 5.16 Your officers consider that the amended proposals are appropriately sited within the large plot, logically continuing the line of the current main block whilst retaining a sufficient amount of open space in the western portion of the site to retain a significant set back from built form directly fronting the High Street. In addition, the proposed extensions and alterations to further increase internal space to the south elevation would be largely shielded in the street scene and would make efficient use of the site without bringing built form closer to Witan Way. Overall, the extensions and alterations would read as in keeping with the host building in terms of design and appearance. In terms of scale and form, the extensions would be sufficiently secondary and subservient to the existing building and could be successfully accommodated within the large plot. The proposed site works would result in a minor benefit to the visual amenity of the area, subject to final details. As such, your officers consider that the proposal would accord with the above policy context with regard to design and is therefore acceptable in these terms.

Impact upon Heritage Assets

- 5.17 Given the application site lies within the CA, 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.
- 5.18 As the proposed development would lie in close proximity to the listed buildings set out above, your officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.19 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal

viable use. WOLP Policies OS4, EH9, EH10, EH11 and EH13 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

Main elements contributing to the significance of listed buildings and the character and appearance of the CA

5.20 The significance of the CA is charted in the Witney & Cogges Conservation Area Character Appraisal, which forms a material consideration in this assessment. The CA extends over the historic core of Witney, centred around the High Street, Corn Street, Mill and Bridge Streets, Woodgreen and Newland. The CA also includes the historic village of Cogges and intervening valley floor (Langel Common). The historic development of the town has been largely shaped by the wool trade, influenced by the town's location along the Windrush Valley, becoming a well-established town and local centre of the trade by the latter half of the C13, when the pattern of development around which the CA is located developed. By the start of the C17, specialisation in blanket production had developed, growing rapidly with industrialisation in the C19. As the blanket industry declined, the second half of the 20th century saw an explosion in suburban growth and in 1981, construction began to facilitate development of the area between High Street and the Windrush, including the construction of the adjacent 'Witan Way'.

5.21 In terms of architecture, the building materials used throughout Witney and Cogges show a marked degree of consistency, and are fundamental to the distinctive built character of the town, with grey oolitic limestone dominant as a walling material and Stonesfield slates used for roofs, necessitating a steep roof pitch. Vernacular buildings tended to use rubble or dressed stone in narrow, irregular courses, with higher status houses of the C18 and C19 using more ashlar-cut stone. Rendered and painted finishes are also a characteristic feature, albeit secondary to limestone. The listed buildings listed above reflect and positively contribute to the wider character of the CA, being largely humble vernacular structures of traditional form and materials.

Impact of the scheme upon the significance of listed buildings and the character and appearance of the CA

5.22 The application site occupies a nodal corner of the CA and is considered an interesting modern structure characterful split west gable. The design and location of the building mean that it reads as somewhat of a landmark building. The building addresses Witan Way as well as the High Street, but is well set back from the latter and therefore has a limited impact upon the settings of the listed assets identified. The proposed development would continue the current form and design of the west elevation, whilst retaining a significant gap in the western part of the site, thus providing a visual break between the extended building and listed buildings, as well as retaining a sense of spaciousness on this prominent street corner. The proposed additions to the southern elevation, as well as other minor changes and additions described above, would result in a very limited impact upon the character and appearance of the area as well as retaining the existing character of the building and avoiding any impact upon the southern boundary wall. As a result, your officers consider that the proposal would preserve the character and appearance of the CA as well as the setting of listed buildings. The application therefore accords with WOLP Policies OS4, EH9, EH10, EH11 and EH13 as well as relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF 2023, West Oxfordshire Design Guide 2016 and the Witney & Cogges Conservation Area Character Appraisal.

Impact upon Neighbourly Amenity

5.23 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse

impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the NPPF and the West Oxfordshire Design Guide.

- 5.24 The application site shares a boundary with 6-12 Farriers Court, which lies immediately to the south of the site. Your officers consider that these properties are those with the potential to be most affected by the proposal given its siting and orientation in relation to neighbouring properties. The original and amended scheme has drawn significant objections from residents of Farriers Court on the grounds outlined above. The majority of the concerns relate primarily to loss of light/outlook and overbearing concerns, as well as overlooking and loss of privacy/disturbance.
- 5.25 In terms of overbearing, loss of light and outlook, the proposed single storey addition to the south elevation has been amended to bring it away from the shared boundary and to a flat roofed, single storey design, which would therefore ensure that any impacts in this regard would be minimal. The proposed two storey extension would extend the main block of the Church to the west, closest to the boundaries with 9-11 Farriers Close, creating a relationship similar to that which 8 Farriers Close currently shares with the Church. The proposed drawings demonstrate that the extension would result in a slight contravention of the 25-degree rule (30 degrees). However, officers recognise that this does not form part of the statutory development plan and whilst this increase in massing would undoubtedly result in some loss of light to the rear facing windows and amenity spaces of nos. 9-11, given the north-facing orientation of the rear elevation of these properties, the proposals would not block direct sunlight at any time of year. Further, the proposals would result in a similar arrangement as currently exists with 8 Farriers Court and is characteristic of relationships between buildings in backland locations in town centre locations. As a result, your officers conclude that the revised scheme would be acceptable in terms of overbearing, loss of light and outlook.
- 5.26 With regard to overlooking, the majority of proposed rooflights would serve a double height space, meaning there would be no potential for overlooking to result. The proposed rooflights serving first floor rooms would be set over 1.7m above finished floor level, as shown in the proposed sectional drawings. No overlooking impacts are therefore identified.
- 5.27 Turning to noise and disturbance, the existing use of the site is long established and would be unchanged as a result of this application. Whilst the extended building would be increased in capacity, your officers conclude that there is no evidence that this would result in an unacceptable impact in amenity terms. In addition, the Council's Environmental Health (Noise and Amenity) Officers have raised no objection on these grounds either during or post construction. Your officers therefore consider the application acceptable in terms of its impact on neighbourly amenity.

Flood Risk/Drainage

5.28 WOLP Policy EH7 sets out that:

'Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk... a site-specific flood risk assessment will be required for... any proposal in Flood Zone 2 and 3'.

5.29 The application site is traversed by Flood Risk Zone 2 and encroached upon by Flood Risk Zone 3, lies in close proximity to the River Windrush and has been subject to flooding in the past according to the Environment Agency's (EA) data and local reports. As such, the EA were consulted on the application. Having originally raised objection upon review of the submitted and revised Flood Risk

Assessment (FRA), the latest FRA (V2) is considered sufficient by the EA to withdraw their objection to the scheme subject to compensatory water storage and finished floor levels being installed as per the submission. Further, the Council's internal Drainage Officers have not objected to the application subject to condition. On this basis, your officers consider that the scheme has demonstrated compliance with Paragraph 173 of the NPPF and WOLP Policy EH7 and is acceptable in this regard, subject to planning conditions.

Highways

- 5.30 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.
- 5.31 The proposal would lead to the closing of an existing access into the west portion of the site and this outdoor area given over to amenity space and cycle parking. As such, the parking capacity of the site would be reduced. However, the Highways Authority (HA) have been consulted on the revised application and confirmed that given the sustainable town centre location of the site, this is acceptable in accordance with WOLP Policy T4. Further access changes off Witan Way are proposed and also considered acceptable subject to condition to ensure adequate visibility. The proposal is therefore acceptable in highways terms.

Ecology

- 5.32 WOLP Policy EH3 states:

'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

- 5.33 An ecological report has been submitted and reviewed by the Council's Biodiversity Officer. The Report concludes that the building on site holds negligible suitability for roosting bats but recommends that a pre-works inspection of the vent gap identified on the south west corner of building 1 is carried out to ensure that bats are absent. Furthermore, the site is in close proximity to the Lower Windrush Conservation Target Area and the Grimes Meadow and Little Grimes Local Wildlife Site, and the Report has made outlined that best practice measures are to be adhered to during construction to minimise the impacts of pollution to these areas as well as precautionary methods of working to safeguard species on site. Therefore, a compliance condition is recommended to ensure that these precautionary measures are carried out as well as conditions to secure ecological enhancements in accordance with Policy EH3 and paragraphs 180, 185 and 186 of the NPPF. The application is therefore considered to accord with the above policy context with regard to biodiversity matters. Your officers have removed the recommended condition relating to a 'green roof' as this element of the scheme has been removed in the amended plans.

Recommendation

- 5.34 In light of this assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, E5, E6, T2, T3, T4, EH7, EH8, EH9, EH10, EH11 and EH13, as well as relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF 2023,

West Oxfordshire Design Guide 2016 and the Witney & Cogges Conservation Area Character Appraisal. Your officers therefore recommend the application for approval, subject to the conditions as set out in Section 6 of this report.

6 CONDITIONS

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

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

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooftlights shall be constructed in the southern elevation of the building other than that expressly authorised by this permission.

REASON: To safeguard privacy in the adjacent properties.

5. The proposed rooftlights serving the southern elevation of the building shall be installed at a minimum sill height of 1.7 metres above finished floor level.

REASON: To safeguard privacy in the adjacent properties.

6. In the construction of the development hereby approved, the hours of work shall be restricted to 08:00-18:00 Monday-Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.

REASON: To safeguard the amenity of people living and working in the surrounding area.

7. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 80.65 metres above Ordnance Datum (AOD), in accordance with section 5.3 of the FRA;
- 5.4m³ of compensatory storage shall be provided as shown in section 5.4 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: This condition is in accordance with paragraph 173 of the National Planning Policy Framework (NPPF) and Cotswold District Local Plan policy EN14. It seeks to:

- Reduce the risk of flooding to the proposed development and future occupants;
 - Prevent an increase in the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided, and the proposed development does not cause a loss of floodplain storage;
 - To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded.
8. The development shall be completed in accordance with the recommendations in Section 4.2, Table 8 of the consultancy report (Preliminary Ecological Appraisal and Preliminary Roost Assessment Issue 4, Arbtech Consulting Ltd, 20th March 2024) 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 habitats and species, including bats 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 180, 185 and 186 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.

9. 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.

10. Prior to the development hereby approved first coming into use, the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a boundary wall to match the adjacent walling in terms of height and appearance and the reinstatement of the highway kerblines and footway.

REASON: To ensure a safe and adequate access.

11. Prior to first use of the proposed access, 2.0 x 2.0m pedestrian awareness visibility splays shall be provided and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

REASON: In the interests of highway safety.

12. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include, but not limited to, details of how noise and dust are to be minimised and controlled, how delivery of materials and material storage are to be undertaken and waste management.

REASON: To safeguard the amenity of people living and working in the surrounding area.

13. 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.

14. Within six months of the commencement of development, 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.

REASON: To enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 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.

15. 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 180, 185 and 186 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.

16. Prior to the erection of external walls, details of the provision of integrated bat roosting features (bat boxes/tubes incorporated into the walls of new extensions, positioned no lower than 4m above ground level on south/south-west elevations) and integrated nesting opportunities for birds (two to four swift bricks incorporated into the walls of new extensions on north/north-east facing elevations) shall be submitted to the local planning authority for

approval. These will include a technical drawing showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

REASON: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with 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 Section 40 of the Natural Environment and Rural Communities Act 2006.

17. 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.

18. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

INFORMATIVES :-

- I. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1));
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021);
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1));
 - CIRIA C753 SuDS Manual 2015;
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010;

- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>;
 - Non-statutory technical standards for sustainable drainage systems (March 2015).
2. 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.

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work must stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note must be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant.

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). This advice note should be passed on to any persons/contractors carrying out the development.

3. 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.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 28th August 2024

Applicant Details:

The Double Red Clanfield Limited
13, The Black Barn
Wantage
OX12 8NE

I CONSULTATIONS

Env Health Noise And Amenity Reconsultation comments dated 20th June 2024:

Having looked at this application I can see that Rick Downham comment on behalf of Noise and Amenities on 15th February 2024 requesting an hours of work condition and a simple construction management plan.

I have no further comments to add to this and we will await the construction management plan for further comment.

OCC Highways

Reconsultation comments dated 19th July 2024:

The three plans that include access (dated 15th Jan, 17th May, 16th Jul) show the access taken from what records show as public highway without intervening land/amenity land.

The manoeuvring area within the site immediately beyond the gate is very tight but not unacceptable.

The latest drawing show the access across the highway verge meeting the kerbline at a very sharp angle - alteration to provide an improved bellmouth would assist with the left turn on exiting (not essential for a recommendation of approval).

Car parking is acceptable.

Parish Council

Reconsultation - no response received to date.

Env Health Noise And Amenity

Reconsultation comments dated 26th July 2024:

No additional comments.

Conservation And Design Officer

Reconsultation - no comments received to date.

Parish Council

Objection.

- No biodiversity net gain.
- Concerns about the nature and type of use and whether what is proposed is a hotel and/or self-contained holiday lets.
- Noise & disturbance.

- Impact on highway safety and parking.
- Impact on flood risk and surface water drainage.

| | |
|---------------------------------|---|
| OCC Highways | <p>Comments dated 4th March 2024:</p> <p>No objection, subject to conditions.</p> |
| WODC Drainage | <p>No objection, subject to conditions.</p> |
| Env Health Noise And Amenity | <p>Comments dated 15th February 2024:</p> <p>No objection in principle to this proposal. The following conditions to be attached to any consent granted:</p> <p>Hours of work construction connected with the application to be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sunday of Bank/Public Holidays.</p> <p>Prior to the commencement of any works a short Construction Environmental Management Plan (CEMP) shall be sent to, and approved by, the Local Planning Authority. The plan shall contain, but not necessarily limited to, details on how noise and dust are to be minimised and controlled along with details of how waste and recycling are to be organised. Also required are details of materials delivery and storage along with contractor parking and welfare facilities.</p> <p>Reason: To protect the amenity of the neighbourhood.</p> |
| Parish Council | <p>Reconsultation - no response received to date.</p> |
| Conservation And Design Officer | <p>Reconsultation comments dated 23rd May 2024:</p> <p>No objection.</p> |
| WODC Drainage | <p>Reconsultation comments dated 30th May 2024:</p> <p>No drainage strategy has been submitted so no further comments.</p> |
| OCC Highways | <p>Reconsultation comments dated 29th May 2024:</p> <p>No objection, subject to conditions.</p> |

2 REPRESENTATIONS

2.1 Comments have been received from third parties objecting to the application. In summary, the following concerns have been raised:

- Overdevelopment.
- Lack of car parking.

- Impact on highway safety.
- Impact on the historic character of the building.
- The proposed materials are harmful to the character of the historic barn.
- Loss of public open space from access widening and removal of laurel hedge opening up views of the site from Wisteria Cottage.
- Unsustainable development.
- No planting details or how this will be managed.
- No biodiversity enhancement proposed.
- Increased flood risk.
- Foul water drainage issues.
- Increased noise and disturbance.
- No need for the development.
- Impact on neighbouring amenity and not compatible with adjoining domestic uses.
- A new dwelling would be created.
- Impact on amenity of future occupants.
- Impact on ecology.
- Impact on the setting, integrity and significance of surrounding listed buildings and impact on the street scene.
- Loss of a dwelling contrary to policy H6.
- Impact on visual and landscape character.
- The proposed use will not make a positive contribution to local services and facilities.
- Impact on the character of the village.
- Loss of open-fronted historic hay barn at western end of main building complex.
- Loss of vegetation and existing trees.

2.2 Comments have also been received in support of the proposed development. In summary, the following comments have been made:

- The proposal will bring benefits to the village in terms of helping to support local amenities and help address parking issues.

3 APPLICANT'S CASE

3.1 The applicant has submitted a supporting Planning Statement and has provided a response to third party representations. In summary, the following points have been made:

- The site is located in the heart of the village of Clanfield within walking distance to the pub and other local facilities. The provision of additional accommodation will bring more tourists to the area who will make a positive contribution to the local economy. This accords with Policy H6 which allows for the loss of existing housing if the proposed use will contribute to the local services and facilities;
- The accommodation will increase the tourism opportunity in the village as sought by Local Plan Policies OS2 and E4;
- The proposed low key extension to the rear of the existing dwelling would match the existing stone on the barn with the addition of timber painted glazed doors and a metal clad, flat roof with a lantern. This will provide a modern structure that highlights the traditional elements of the existing building that respects the local character of the area;

- The proposal will help address the congestion concerns specific to Clanfield. It will provide safer walking and driving conditions along Bampton Road and allow safer access with greater visibility splays to the site itself in accordance with Local Plan Policies T1, T3, and T4;
- Additional native planting such as wildflowers, trees and bushes will be planted to help increase the biodiversity and variety of species onsite;
- The implementation of SuDs on the site will improve flooding conditions in the wider area as the proposed surfaces will allow higher infiltration rates into the ground;
- In terms of impact on neighbouring amenity, the proposed use would not be dissimilar to the existing use, a member of staff will always be on site and able to monitor noise levels, and the proposal will follow the opening hours of the Double Red Duke and Clanfield Tavern;
- The proposals will have little to no visual impact on nearby listed buildings and landscape character.

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development
 OS2 Locating development in the right places
 OS4 High quality design
 E1 Land for employment
 E2 Supporting the rural economy
 E4 Sustainable tourism
 E5 Local services and community facilities
 H6 Existing housing
 EH11 Listed Buildings
 EH12 Traditional Buildings
 EH2 Landscape character
 EH3 Biodiversity and Geodiversity
 EH7 Flood risk
 EH8 Environmental protection
 T4 Parking provision
 NPPF 2023
 DESGUI West Oxfordshire Design Guide
 EH9 Historic environment
 T2 Highway improvement schemes
 T1 Sustainable transport
 OS3 Prudent use of natural resources

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for the change of use from a dwelling to letting rooms, proposed rear extension, enlargement of the rear car park and alterations to the access and associated internal works at Culfre, Bampton Road, Clanfield. The site relates to a former barn which has been converted into a dwelling (03/1821/P/FP and 04/2068/P/FP). The site is not listed, locally

listed or within a conservation area but it is prominent within the village and surrounded by a number of grade II listed buildings. The Double Red Duke (a public house with guest rooms) lies to the west.

Relevant Planning History

03/1821/P/FP- Conversion of existing barn to dwelling with car port attached, construction of new vehicular access.-Approved.

04/2068/P/FP- Conversion of existing barn to dwelling with car port attached, construction of new vehicular access, amendment to planning application w2003/1821 to allow alteration to front entrance and re roof with artificial stone slates.- Approved.

12/0793/P/FP- Conversion of existing car port to additional accommodation with single storey extension to side elevation, erection of new car port and store and alterations to form new vehicular access with timber entrance gates.-Approved.

13/1111/P/FP- Increase in carport roof height to create first floor yoga studio.-Approved.

21/03612/HHD- Chimney Flue to serve new wood burning stove.-Approved.

5.2 The application is before members because the recommendation of the Officer is contrary to the Parish Council's. Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

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

Principle

5.3 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—

- the development plan, and
- 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.

5.4 At this time, Section 93 of the LURA, within which changes to Section 38(6) are contained, has not yet come into force. Therefore, the application should be determined in accordance with the West Oxfordshire Local Plan (WOLP) unless material considerations indicate otherwise.

5.5 The starting point in the assessment of the principle of development is policy OS2, which outlines the general spatial strategy for new development in the District. The application site sits within Clanfield which is identified under West Oxfordshire Local Plan Policy OS2 as a Village. Policy OS2 states *villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities*. The particular general principles of Policy OS2 relevant to this case include the requirement that development:

- 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;
- 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; and
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.6 Policy E1 (Land for employment) is not relevant to the assessment of this application as paragraph 6.16 states 'Employment uses under this section do not include housing, care homes, retail or leisure uses which are considered elsewhere in the strategy.'

5.7 Policy E2 (Supporting the Rural Economy) states 'New small employment sites in or adjacent to Service Centres and the Villages as listed in Table 4b will be supported where they are commensurate with the scale of the settlement and the character of the area.' This policy also supports the re-use of existing buildings to provide new employment premises in accordance with Policy E3. Sub paragraph 6.42 states ' All proposals should be consistent in scale with a rural location and not result in the loss of amenity to other local businesses or residents, or spoil the enjoyment of other users of the countryside.'

5.8 Policy E4 (Sustainable tourism) states 'new tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible'. Sub paragraph 6.55 states 'For some facilities, such as hotels and restaurants, a town centre location will be most appropriate although other locations may be acceptable taking into account both the town centre first approach and specific locational and functional requirements.'

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

- 5.10 Policy H6 relates to existing housing and supports the loss of existing dwellings to other uses where the proposed use will make a positive contribution to local services and facilities.
- 5.11 The supporting Planning Statement states that the proposed hotel is to operate alongside the Double Red Duke to support the business and guests will be able to visit the pub for dining. On the basis of the policies outlined above, the principle of the re-development of the site to provide new hotel facilities is therefore considered to be acceptable. The detail of the proposal is also assessed against the general principles of Policy OS2 of the Local Plan and other material considerations below.

Design, Scale, Form and Heritage Impact

- 5.12 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).
- 5.13 Proposed is the conversion of a residential dwelling into a 10-bedroom hotel with 25 space carpark. The proposed works also include an extension to the rear of the building. The extension is to be constructed of stone to match the existing building with timber painted doors and a metal roof.
- 5.14 It is also noted that the West Oxfordshire Design Guide - Section 15 - Conversion of Agricultural Buildings states: 'Traditional agricultural buildings are a conspicuous and precious feature of the settlements and landscapes of West Oxfordshire. The best possible use for these buildings is the one for which they were originally designed'... however, 'where planning permission is required for the change of use or for alterations, the Council's primary objective will be to secure the preservation of the agricultural building...' In regard to agricultural buildings of any type it goes on to say: '...the plan, form and massing should remain substantially unaltered. It is difficult to extend or enlarge an agricultural building without causing harm to its character; particularly in the case of extensions, especially of conspicuously residential character'.
- 5.15 The WODC Listed Building and Conservation Officer has been consulted as part of this application. Concerns were raised with regards to the scale, siting and design of the extension initially proposed as it obscured the former cart door opening harming the character and significance of this former barn. Following the concerns raised amended drawings have been submitted and it is considered that the scale of the proposed orangery is now acceptable, albeit its design would further erode the agricultural character of the former barn. Whilst the pergola is unattractive and out of character with the agricultural character of the former barn, provided certain criteria are met, this could be sited using permitted development rights.
- 5.16 In terms of scale, the proposal is to re-use and re-purpose an existing, large single dwelling to support an existing business and so is considered to be an efficient use of land. In terms of impact on

the character of the area, the site is located at a thriving intersection of the village close to the Double Red Duke public house and Clanfield Tavern and as such, it is considered that the proposed hotel use would complement the existing character of this part of the village.

- 5.17 The change of use and associated works would be visible on the street scene. However, given the physical alterations proposed, the siting of these and existing boundary treatments, your officers do not consider the development to give rise to any adverse impacts with regards to visual amenity. The submitted Planning Statement states that it is not proposed to remove the screen planting within the existing stone wall which runs alongside Bampton Road, other than to trim back the plants where the access is being altered. As details have not been provided and given the location of the site and contribution of the existing boundary treatments to the character of the area, a pre-commencement condition requiring the submission and approval of a landscaping scheme, including details of the retention of existing planting, is proposed.
- 5.18 The application site is within 100m of Grade II Listed Properties including The Firs and attached barn, Clanfield Tavern, Tudor House, Forge House and Clanfield Cottage. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving these buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.19 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.20 With regard to the impact on neighbouring listed buildings, given the siting and scale of the proposed alterations, the nature of the proposed change of use and the separation distance to the neighbouring listed buildings, the proposed change of use and alterations are not considered to obscure the special architectural and historic interest of the existing listed buildings. It is considered that the proposed development would respect the special qualities and the appearance of the heritage assets given the nature of what is proposed and its location. Therefore, the proposed development is considered to conform to policies EH9 and EH11 of the Local Plan and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Residential Amenities

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

5.22 With regard to the impact on neighbouring amenity, officers consider that due to the siting of the proposed extension that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light. A condition is proposed regarding the installation of additional external lighting.

5.23 Concerns have been raised by third party representatives regarding the impact the proposed use would have on neighbouring residents in terms of noise and disturbance. This has been carefully assessed and officers have conducted a site visit. The WODC Noise and Amenities Officer has also been consulted and raised no objections subject to conditions restricting the construction hours and requesting a Construction Environmental Management Plan be submitted. Given the siting of the building, its associated parking, the intensification of the use proposed and separation distance to neighbouring residential properties, officers do not consider that the development would give rise to noise and disturbance issues to a level which would warrant the refusal of this application.

5.24 In terms of impact on the amenity of future guests, each guest bedroom includes its own bathroom and the applicant has confirmed that all rooms are for short term stay. Some space is included for sitting out. The kitchen is to be used by Double Red Duke employees for breakfast preparation, etc. and will not be fully accessible to guests. It is considered that sufficient and adequate amenity space is provided for guests and a condition is proposed requiring windows serving ensuite bathrooms to be obscure glazed to maintain privacy.

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

Highways

5.26 In terms of impact on highway safety and parking, Paragraph 115 of the NPPF (2023) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T2 of the WOLP requires all development to demonstrate safe access and an acceptable degree of impact on the local highway network. An altered vehicular access is proposed to and from the public highway and 25 car parking spaces are proposed within the application site.

5.27 Oxfordshire County Council Highways have been consulted on the application and they consider that the proposal will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. OCC Highways have raised no objections with regards to highway safety, parking and convenience, subject to conditions requiring the car parking to be constructed before the occupation of the development and thereafter retained for that purpose, as well as the submission and approval of details of the means of access between the land and highway before first occupation of the letting rooms. Whilst the Highways Officer considers that the manoeuvring area within the site immediately beyond the gate is very tight, this is not considered to be unacceptable. Further, whilst the access across the highway verge is shown meeting the kerblin at a very sharp angle, the Highways Officer does not consider this to be essential for a recommendation of approval. They have also confirmed that the access is taken from what records show as public highway without intervening land/amenity land. The car parking is considered to be acceptable. On this basis, the scheme is considered to comply with policy T2 and T4 of the WOLP and be acceptable on highway safety and parking grounds.

Ecology

5.28 There is no requirement to demonstrate biodiversity net gain because the application was submitted before 2nd April 2024. A condition is proposed to secure biodiversity enhancements and native planting is proposed in accordance with policy EH3 of the WOLP.

Other Matters

5.29 No material impact with regard to ecology or other planning matters are identified. Concerns have been raised by third party representatives regarding foul water drainage and impact of the proposed development on the existing sewage infrastructure. No new connection is proposed to the sewer network and sewage is to be disposed of via the existing mains sewer. No objection has been received from Thames Water. Therefore, the proposed development is considered to be acceptable in terms of impact on the sewer network.

5.30 Concerns have been raised by third party representatives with regards to increased flood risk and photos have been submitted showing the site to have flooded earlier this year (2024). The WODC Drainage Officer has been consulted and has raised no objection, subject to a pre-commencement condition requiring the submission and approval of a full surface water drainage scheme.

5.31 Concern has also been raised regarding the use of the buildings and creation of a new dwelling. A condition is proposed restricting the use of the building to C1 (hotel) use only. Concern has also been raised regarding a structure indicated on the proposed site plan along the boundary with Orchard House. Details of this have not been included in the application. If planning permission would be required for this, the applicant would be required to make an application accordingly and full consultation would be carried out.

Benefits of the Development

5.32 The proposal would help to support an existing business within the village and create a variety of jobs for local people through cleaning, servicing and maintenance of the accommodation which is supported by paragraph 85 of the NPPF (2023). This states: 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.' There would also be associated economic benefits from guests spending on local services and tourist facilities. The applicant also states that the car park would help to alleviate the lack of car parking within the village. The proposal includes the re-use and re-purposing of an existing building to support an existing business and makes efficient use of land which is supported by paragraph 128 of the NPPF (2023) and OS3 of the WOLP.

Recommendation

5.33 In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS1, OS3, H6, E2, E4, E5, T1, T2, T4, EH2, EH3, EH7, EH8, EH9, EH11 and EH12, the NPPF 2023 and the West Oxfordshire Design Guide 2016. The proposal is considered to conflict in part with policy OS2 and OS4 of the WOLP because of harm to the character of the former barn. However, in this case the benefits of the proposal, as identified above, are considered to outweigh the identified harm so on balance, the proposal is considered to be acceptable subject to conditions. The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

6 CONDITIONS

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

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

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

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

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

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

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

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

5. Prior to the commencement of any works a short Construction Environmental Management Plan (CEMP) shall be sent to, and approved by, the Local Planning Authority. The plan shall contain, but not necessarily limited to, details on how noise and dust are to be minimised and controlled along with details of how waste and recycling are to be organised. Also required are details of materials delivery and storage along with contractor parking and welfare facilities.

REASON: To protect the amenity of the neighbourhood

6. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the letting rooms hereby approved.

REASON: To ensure a safe and adequate access.

7. The hours of work of construction connected with the proposed development shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sunday or Bank/Public Holidays.

REASON: To protect the amenity of the area.

8. 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.

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

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

10. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the NPPF 2021, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

11. 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.

12. Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the highway boundary of the land shall be retained and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.

REASON: To safeguard a feature that contributes to the character and landscape of the area.

13. Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.

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

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

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

15. A schedule of landscape maintenance for a minimum period of 10 years should be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

16. Before first occupation of the building/extension hereby permitted the window(s) serving the proposed bathrooms shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy for guests.

INFORMATIVES :-

- I. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)
2. 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

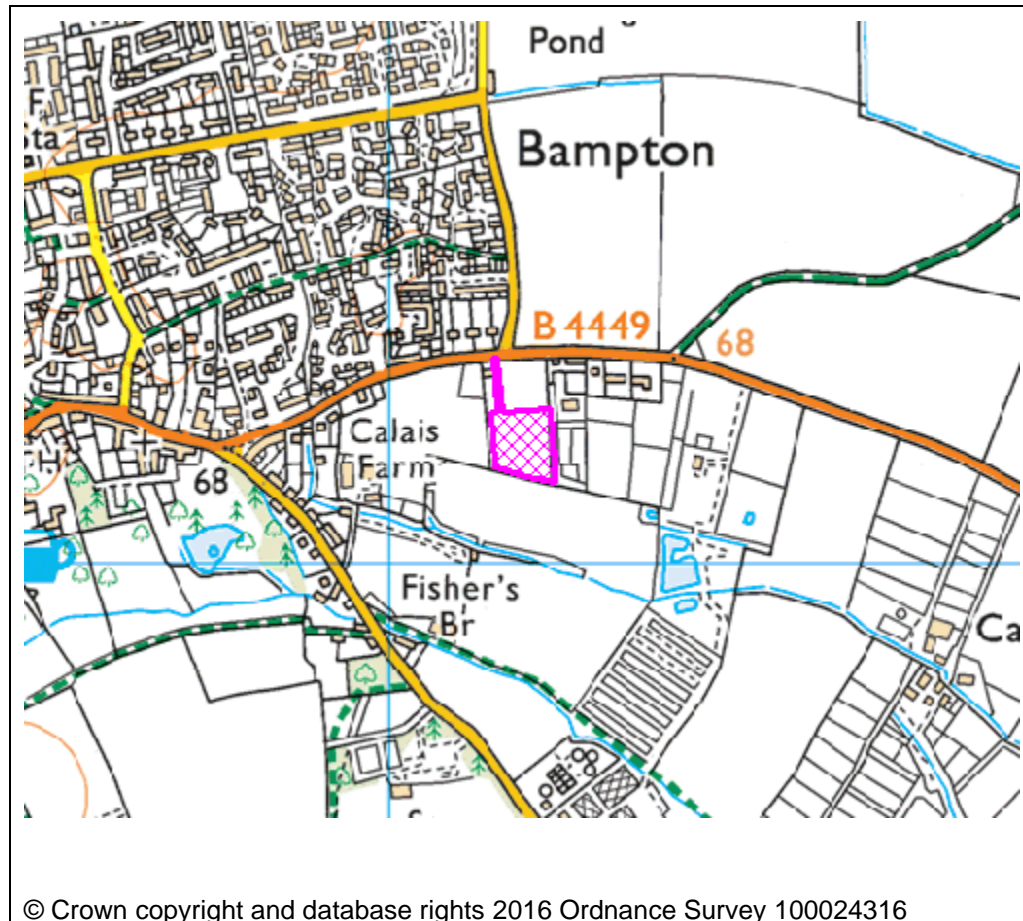
Contact Officer: Clare Anscombe

Telephone Number: 01993 861672

Date: 28th August 2024

| | |
|-------------------------|---|
| Application Number | 24/01471/FUL |
| Site Address | Land West Of Colt House Aston Road Bampton Oxfordshire |
| Date | 28th August 2024 |
| Officer | James Nelson |
| Officer Recommendations | Approve |
| Parish | Bampton Parish Council |
| Grid Reference | 432174 E 203201 N |
| Committee Date | 9th September 2024 |

Location Map



Application Details:

Erection of three single storey age restricted dwellings (55 years) with access, landscaping and associated infrastructure

Applicant Details:

C/o Agent
Trym Lodge
1 Henbury Road
Westbury On Trym
Bristol
BS9 3HQ

I CONSULTATIONS

Parish Council

Bampton Parish Council objects to the application and the further erosion of countryside within the village forming part of the special character of Bampton and its adjoining conservation area. Comprehensive development of this agricultural land has already been refused under appeal following planning application reference 13/1309/P/OP. In adjudicating Planning Application reference 23/03070/FUL on the adjoining land in the same ownership under appeal reference APP/D3125/W/24/3339317 the Inspector noted in allowing the appeal: - That the development 'would not project further back from Aston Road than the dwelling and gardens at the neighbouring Colt house'. (Ref point 7). To allow this application would change the settlement pattern along Aston Road and project development into open countryside and farmland. - The Inspector further relied on in granting the appeal, that 'the presence of other fields to the south and west of the site' would remain. (Ref point 8). The applicant has not submitted a comprehensive surface water drainage strategy which will deal with the encroachment of Flood Zone 3 onto the site and the excessive ground water conditions. This should also be an overall strategy for the combined two sites in the adjoining applications. The applicant must demonstrate to the satisfaction of WODC Engineer and Thames Water that there is sufficient capacity for foul water drainage for the combined sites.

WODC Planning Policy
Manager

No Comment Received.

WODC Drainage

No objection subject to the following condition:

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a management plan setting out the maintenance of the drainage asset, a construction phase groundwater and surface water management plan and the results of groundwater monitoring carried out in the winter months. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. 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 scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

WODC Env Services - Car
Parking

No Comment Received.

District Ecologist

Acceptable subject to conditions and informative- please see website for full response.

Conservation And Design
Officer

The land lies outside the conservation area, although it could be considered to be within its setting. However, although there is a minor harm by loss of former historic rural (agricultural) land, I consider this to be at a low-level of harm.

The house design is okay, they are low-lying, so overall I have no conservation objections.

Thames Water

No Comment Received.

Env Health Contamination

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

Review of the historical maps we hold indicate that a gasworks was present to the north-east of the site and that the site itself has been used for agriculture over time. There is potential for contamination to be present on site.

Please consider adding the following conditions to any grant of permission.

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any

development begins.

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

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

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

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

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;
- G25 drive etc specification;
- G18 Junction specification;
- G22 estate road specification;
- G32 turning facility.

INFORMATIVE

Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of

prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk

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

2 REPRESENTATIONS

2.1 The application has drawn objection comments from three parties covering the following planning matters:

- Flood Risk- objectors have questioned the accuracy of the Environment Agency's Flood Risk Zones based on contour mapping data and historical flood events, such as 2007. Also, objectors have queried how the drainage system will integrate with the site to the north and questioned the need to raise ground levels.
- Settlement pattern- objectors have cited the recent appeal decision on adjacent land and stated that extending the settlement to the south will harm the settlement pattern of the village and extend into open countryside.
- Sewerage- objectors state that the existing sewerage network is incapable of accommodating additional dwellings in Bampton.

2.2 One support comment has been received stating that the dwellings will enable downsizing to free up family homes.

2.3 Additional representations were reported at the previous meeting.

3 APPLICANT'S CASE

3.1 The application is supported by a Planning Statement which is summarised below. The full document as well as Design and Access Statement and other supporting information is available to view on the Council website.

3.2 'Blue Cedar Homes are focused on providing high quality, private retirement housing. The Company was established in December 2007 and their Head Office is based in Exeter, with a regional office in Bristol.

3.3 Blue Cedar Homes recognise the housing and lifestyle needs of the active retired and specialise in selling distinct homes for people who want to get the most out of their retirement and value the quality of their living environment.

3.4 All of their properties are offered for sale to the retirement market, and the permanent occupier or at least one spouse must be over the age of 55.

3.5 All of their homes are supported by a range of core services including estate maintenance, gardening, external window cleaning, periodic building redecoration, security services and waste management. The company provides high quality accommodation in desirable towns and large villages in England

and Wales, with a retirement schemes currently under construction in Exmouth. Completed schemes include Wedmore, Bampton, Willersey and Kingston Bagpuize.

- 3.6 Further information on the company can be found at www.bluecedarhomes.co.uk and within the Retirement Housing Statement and Blue Cedar Homes Living System leaflet submitted as part of this application.
- 3.7 A Design and Access Statement has been prepared by Mark Timms Chartered Architect which describes the extent of the proposals and the form of development now being proposed of particular interest in the fact that the dwellings will be designed to Passivhaus principles.
- 3.8 There are a range of significant benefits that are provided as part of these development proposals. They are as follows: -
- I. A bespoke residential retirement scheme which will meet an acknowledged and identified need for these types of properties both locally in Bampton (Policy H4) and nationally. Accordingly, the provision of such housing should be attributed significant weight.
 - II. This development would allow potential existing residents in Bampton to 'downsize' or 'rightsize' from their existing properties and to remain in the area. This would free up existing properties in the village for people to move into.
 - III. Moderate weight should be given to the benefit arising from expenditure on construction and on the supply chain as well as to the economic benefit. The increased spending from residents and the associated construction to viability of the settlement. In providing particular weight to this issue regard is to the Government's drive to increase housing supply and boost spending as part of the economic recovery from the global pandemic.
- 3.9 These benefits go into the balance in favour of allowing the proposals.
- 3.10 Planning permission already exists for the erection of 6 bespoke one storey properties for the elderly (55 years plus) together with access, landscaping and associated works (Application No. 22/03370/FUL). This application seeks to provide an extension to the previously approved scheme.
- 3.11 There is a recognised and accepted need for elderly persons accommodation in Bampton which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly.
- 3.12 The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy H2 of the adopted Local Plan
- 3.13 Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport, drainage etc. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area as previously accepted by the Planning Authority.
- 3.14 Finally, there are a range of significant benefits attributed to the scheme which are set out in Section 7. These all weigh in favour of granting planning permission for the development.
- 3.15 Sustainable means such as air source heat pumps, EV charging points and solar panels will be provided as part of the development as previously agreed.

3.16 In view of the above, it is requested that detailed planning permission be granted for the amended proposals.'

4 PLANNING POLICIES

OS1 Presumption in favour of sustainable development
OS2 Locating development in the right places
OS3 Prudent use of natural resources
OS4 High quality design
H1 Amount and distribution of housing
H2 Delivery of new homes
H4 Type and mix of new homes
T1 Sustainable transport
T2 Highway improvement schemes
T3 Public transport, walking and cycling
T4 Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH13 Historic landscape character
EH16 Non designated heritage assets
West Oxfordshire Design Guide
NPPF 2023

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for the erection of three single storey age restricted dwellings (55 years) with access, landscaping and associated infrastructure at Land West of Colt House, Aston Road, Bampton.
- 5.2 The site is located on the southern side of Aston Road, and broadly forms the southern half of a wider land parcel, the northern portion of which benefits from extant planning consents as set out below.
- 5.3 The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself. Two single storey buildings are present along the route of the proposed access, their removal has already been consented.
- 5.4 The site is located approximately 130m at its nearest point from the Bampton Conservation Area ('CA'), which lies to the west.
- 5.5 The south-western portion of the site is encroached upon by Flood Risk Zones 2 and 3, although no buildings are proposed within these flood zones.

5.6 The application is brought before Members of the Lowlands Area Planning Sub-Committee due to the objection of the Bampton Parish Council on the grounds of erosion of the countryside and setting of the CA, failure to respect the pattern of development and flood risk.

Relevant Planning History

13/1309/P/OP- 'Erection of one hundred and twenty seven dwellings with associated works'. Refused and appeal dismissed.

14/0993/P/OP- 'Erection of one hundred and sixteen dwellings with associated works'. Refused.

22/03370/FUL- 'Erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure.' Approved at this Committee in 2023.

23/03070/FUL- 'Erection of five single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure'. Refused and appeal allowed as reported at the previous month's meeting.

5.7 The land directly to the north of the application site therefore benefits from two extant consents for 5 and 6 age-restricted dwellings respectively.

Development Plan

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

National Policy

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

5.10 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

The Council's housing land supply position and the implications of the NPPF

5.11 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. 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 WOLP in

accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of 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 position on the basis of local housing need using the Government's standard method. 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. Set against a 5-year requirement of 3,060 homes, the Council's latest Position Statement seeks to demonstrate a 5.4-year supply. However, following a recent appeal decision at 'Land south of Burford Road, Minster Lovell' (PINs Ref. 3331279), where the Council was found to have a 4.38-year supply, set against the standard method calculation of 570 homes per annum. A 4.34-year supply was subsequently found under appeal ref. 3332089, which amounts to a deficit of around 377 dwellings. On this basis, officers consider that the Council cannot demonstrate a five-year supply of housing land.

Conclusions on the principle of residential development

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

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Heritage Impacts;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities; and
- Need for Older Persons Housing

5.14 Each are considered in full below.

Principle of Development

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

5.16 On the south side of Aston Road, the undeveloped frontage creates a long break between the unlisted Calais Farm building at the outer edge of the main part of the village and a detached line of buildings along the road adjacent to the eastern boundary of the site. Whilst recognising the extant consents immediately north of the development site, at present, the site appears as agricultural land separated from the main built up area and is not considered to adjoin the service centre of Bampton.

Therefore, although the application site is in close proximity to the built-up area of Bampton, the site is considered to be 'open countryside' for the purposes of the strategic housing policies.

- 5.17 Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances such as:
- I. where there is an essential operational or other specific local need that cannot be met in any other way;
 - II. where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
 - III. residential development of exceptional quality or innovative design; and
 - IV. re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.
- 5.18 The scheme proposes specialist housing for over 55's. Officers recognise that in the assessment of 22/03370/FUL, as well as the appeal relating to 23/03070/FUL, the LPA accepts a growing need for specialist housing for older people in light of the needs assessment submitted and appeal decision at Land West of Wroslyn Road, Freeland (ref. 21/02627/OUT). Therefore, it may be argued that the proposal would meet criterion one of H2 as it meets a specific local need. However, that criterion is clear that to be supported, that need must not be able to be met in any other way. Insufficient information is available before officers to demonstrate that this need could not be met in any other way. Therefore, notwithstanding that a range of services and facilities available within Bampton would be reasonably accessible by future occupiers of the development via means other than private car, the development would conflict with the housing locational strategy outlined within policies OS2, H1, and H2 of the WOLP.

Siting, Design, Form and Landscape Impact

- 5.19 WOLP Policy OS4 (High quality design) states that new development should respect the historic, architectural and landscape character of the locality. The requirement to respect and enhance the landscape and visual character of the area is also set out in Policy EH2 (Landscape character).
- 5.20 In addition, WOLP Policy OS2 sets out a series of general principles with which all development should comply, of particular relevance in this case are that the proposal should:
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - 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;
 - Conserve and enhance the natural, historic and built environment; and
 - Be supported by all the necessary infrastructure.
- 5.21 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131). Paragraph 135 is clear that development proposals should function well and add to the overall quality

of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 139 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

- 5.22 The application site is set back from Aston Road, to the south of the site of previously consented residential developments but within a common land parcel. Strong hedgerows and vegetation surrounding the field that the site forms part of make a positive contribution to the landscape quality and distinctiveness of the area as well as preventing all but occasional and glimpsed views into the site.
- 5.23 In terms of the character and appearance of built form along Aston Road, existing development displays a varied character, with a more dense and relatively hard urban edge extending from the core of the village to the north of Aston Road and an outlying group of dwellings to the east of the site. Existing residential properties in the vicinity of the site are also varied in terms of ages, designs and layouts.
- 5.24 The proposed layout would extend from the access point permitted under the extant consents. The internal road would run south before turning eastward and terminating in the south east of the site. Two of the proposed dwelling would be set on an east-west alignment fronting the access road, with the southernmost dwelling set perpendicular in the south east of the site. Whilst officers consider that the piecemeal approach to development of the land parcel has led to a somewhat contrived layout, in the context of the extant consents, the use of the approved access and internal road forms a logical complement to the consented schemes to the north. Further, the siting of the proposed dwellings ensures that built form is set outside of Flood Risk Zones 2 and 3. The effect of the proposed development would be to extend built form to the south of Colt House, thereby reading as a further encroachment into the open countryside and bringing built form further from the built-up area of the village. However, officers consider that in the context of the consented schemes and unified appearance of the existing field, the development would not appear isolated. The harm arising the settlement pattern would therefore be limited.
- 5.25 In terms of scale and appearance, the dwellings would be set over plans of 25.5m by 8.5m, single storey in height (4.8m) and served by large rear gardens. The dwellings would echo the form of 'walled gardens' with a unified, linear and low lying character using asymmetric duo-pitched roofs. Limited information on the proposed material palette has been provided, which officers consider may be addressed through planning condition. The design approach, whilst not necessarily relating to the immediate context of the site, would read as in keeping with the low-lying form and appearance of the dwellings approved under the extant consents and displays a successful contemporary design approach which would positively contribute to the character and appearance of the area. Further, the modest height and simple linear forms would ensure that subject to the retention and strengthening of planting enclosing the site, the proposed dwellings would be very well screened from views into the site. Officers consider that restricting permitted development rights for upwards extensions is necessary through condition to ensure that the dwellings would be screened effectively in the long term.
- 5.26 In terms of landscape and visual impacts, the application site lies within the Bampton Vale character area as identified in the West Oxfordshire Landscape Assessment ('WOLA')- which is listed as a supporting document in WOLP Policy EH2 and forms a material consideration in this assessment. This area is characterised by low-lying yet gently rolling land with a patchwork of large fields.

Hedgerows and trees form key components of the landscape structure. Whilst this application would lead to the partial loss of the currently undeveloped land, your officers consider that subject to the retention and enhancement of the strong structure of vegetation that bounds the site and in the context of extant permissions in the northern half of this field, the additional three dwellings proposed and associated infrastructure would not appear incongruous within the landscape nor visually intrusive. As a result, whilst the loss of undeveloped agricultural land in favour of residential development would have a transformational effect at site level, in the context of the wider landscape and given the sensitive design approach employed and relationship to existing and consented dwellings, the application would not cause harm to the character and appearance of the area. The proposal would therefore comply with WOLP Policies OS4 and EH2.

Heritage Impacts

5.27 Bampton Conservation Area is located approximately 130m to the west at its nearest point.

Officers are statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.28 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use. WOLP Policies OS4, EH9, EH10 and EH13 are directly relevant to the application with regard to the impact of the proposal upon the CA.

Main elements contributing to the character and appearance of the CA

5.29 The CA encompasses much of the settlement of Bampton. On the south side of Aston Road it extends as far as Calais Farm, with the boundary continuing south to Buckland Road. The village is a long-established rural settlement with evidence of occupation during the later prehistoric and Roman eras, later evolving into a medieval market town with a history as a farming and trading community. The well-preserved historic core has a focus of vernacular buildings, many of which are listed, and a layout based on a convergence of routes at a market-place with a network of lanes around these. The significance of the CA results largely from the historic development of the settlement, building styles, generally consistent use of vernacular materials and the historic interrelationship between the settlement and the surrounding agricultural land, which contributes positively to its setting.

Contribution of the application site to the character and appearance of the CA

5.30 The site is separated from the CA by a large parcel of agricultural land, which falls outside of the application site, which has only glimpsed intervisibility with the CA due to boundary vegetation. The site forms part of the wider agricultural setting of the settlement and bounds the approach to the

CA. However, officers consider that due to its visual and physical separation from the CA, the site forms only a very limited contribution to the character and appearance of the CA.

Impact of the scheme upon the character and appearance of the CA

5.31 The proposed development would retain and reinforce hedgerows and trees bounding the site, preventing all but glimpsed intervisibility with the CA given the scale of built form proposed. Further, the dwellings would be set behind consented dwellings on the approach to the CA and respect the historic evolution of field boundaries. Consequently, your officers consider that the proposal would not result in any material harm to the significance of the CA and thus comply with Policies EH9, EH10, and EH13 of the WOLP and Section 16 of the NPPF.

Highway Safety

5.32 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.

5.33 The proposed dwellings would be served by adequate levels of on plot parking and turning areas as well as garage space. In addition, the scheme would utilise an access arrangement off Aston Road which has been previously approved under the extant consents and is therefore considered to provide safe access to the highway network. The site is also located in reasonably close proximity a range of services accessible by foot located in Bampton and as such, the scheme is considered to accord with WOLP Policy H3. Further, OCC Highways have not objected to the scheme, subject to conditions. As such, the development is safe in highway safety terms and there are no highway grounds for refusal.

Drainage and Flood Risk

5.34 The proposed development site is infringed upon by Flood Zones 2 and 3 in the south western corner and as such a Flood Risk Assessment has been submitted with the application. The proposed layout ensure that the dwellings themselves would be set away from Flood Zones 2 and 3, with this area retained as landscaping and residential gardens. The Councils drainage team have not objected to the scheme, subject to a surface water drainage scheme being approved before the commencement of development.

5.35 Officers note the comments received relating to flooding including from the Parish Council and adjoining neighbours. Officers understand that parts of the site can be subject to localised flooding. However, the proposed dwellings would be located within Flood Risk Zone 1, the area with the lowest risk of flooding and officers are satisfied that it would be possible to introduce measures to alleviate flood risk by way of an engineering solution as per the consented schemes within the same land parcel which could be secured by way of condition.

5.36 Officers note that previous applications that included this site that were refused, in part, on grounds of unacceptable flood risk. However, those developments were for up to 127 houses in 2013 and up to 116 houses in 2014 and a significant portion of those developments were located within Flood Zone 3. Dwellings proposed in Flood Zone 3 require the sequential and if applicable,

the exception tests to be applied. The Inspector for the 2013 scheme explained that 'No evidence has been provided to enable the Sequential Test to be undertaken. Indeed, the appellant acknowledges that this would be unlikely to be passed, with the Council's representations reinforcing this position. In the circumstances there is no dispute that the proposal is contrary to national flood risk policy. The conclusion is that the development would give rise to an unacceptable flood risk'.

5.37 In this case, the proposed dwellings are sited in Flood Risk Zone I where dwellings are generally considered acceptable and the sequential and exception tests are not required. Whilst officers acknowledge that comments in objection to the scheme question the accuracy of the EA's flood risk map, given the response of the LPA's Drainage Officer, your officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere subject to planning condition. Officers note that all proposed dwellings and roads will be raised at least 300mm. Officers also consider that an integrated drainage system could be achieved with the adjacent site through the discharge of conditions process.

5.38 Officers recognise objection comments received relating to foul drainage (sewerage) issues in the area. Officers are aware that this issue, however no objection has been received from Thames Water and it does not form a refusal reason.

Trees and Ecology

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

5.40 The application site is comprised primarily of a grassed paddock bounded by hedgerows and trees. The submitted Ecological Appraisal sets out that hedgerows will be retained, protected during construction and enhanced as part of the proposals, which officers consider may be secured via planning condition.

5.41 The site also lies within a red impact risk zone for great crested newts as part of the re-modelling of the map that was carried out by NatureSpace in 2022 for Oxfordshire. However, the submitted survey and the LPA's Biodiversity Officer conclude that the site is unlikely to be suitable for this species and therefore the application is acceptable in this respect subject to the implementation of precautionary working methods.

5.42 The Ecological Appraisal also sets out a range mitigation and enhancement measures which the Biodiversity Officer considers satisfactory subject to planning conditions as set out.

5.43 The application is also subject to statutory Biodiversity Net Gain ('BNG'). In this regard, a 16% uplift in area habitat units and 76% in hedgerow units is predicted, which exceeds the statutory requirement and the Biodiversity Officer considers acceptable. Officers consider that the implementation of the BNG and landscaping proposals can be secured via planning condition, the application is therefore acceptable in this regard.

Residential Amenities

5.44 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse

impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.45 The proposed dwellings are single storey and located over 35m from the nearest residential property. Further, suitable levels of amenity would be provided for future occupiers. The application is therefore acceptable in this respect.

Need for Older Persons Housing

5.46 WOLP Policy H4 (Type and mix of new homes) states 'Particular support will be given to proposals for specialist housing for older people including but not restricted to, extra-care housing. Opportunities for extra care will be sought in the main and rural service centres and other locations with good access to services and facilities for older people'.

5.47 Paragraph 5.81 of the WOLP states 'West Oxfordshire has a relatively old demographic profile reflecting the fact that it is an attractive District that people wish to remain living in or retire to. Between 1981 and 2011 the proportion of residents aged 60+ increased by 82%'. Paragraph 5.82 goes on to state 'Importantly, future projections suggest that the number of older people in West Oxfordshire will continue to increase. In the period 2011 - 2031, the proportion aged 55+ is projected to increase by 54%'.

5.48 An older demographic profile and higher than average rates of owner occupancy were also found in the appeal for Land West of Wroslyn Road, Freeland (ref 21/02627/OUT) with the Inspector stating:

'There remains compelling evidence of a growing population of older persons in the District'.

5.49 In addition, in considering the appeal relating to application ref. 23/03070/FUL on land directly north of this site, the Inspector confirmed that:

'The evidence indicates that there is a growing need for specialist housing for older people within the district'.

5.50 The NPPF recognises the importance that a sufficient amount and variety of land comes forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Paragraph 63 of the NPPF states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people...).

5.51 The Planning Practice Guidance recognises there are different types of specialist housing designed to meet the diverse needs of older people, and that there is a significant amount of variability in the types of specialist housing available which includes age-restricted general market housing- generally catering for people aged 55 or over (Paragraph: 010 Reference ID:63-010-20190626).

5.52 Therefore, your officers consider that there is a clear need for this type of specialist housing and whilst the number of units proposed would only go a short way to meeting that need, there would be a positive contribution to supply in the district.

Other Matters

5.53 Officers do not consider that planning conditions relating to working hours nor the turning of vehicles within individual curtilages of the properties would be necessary to make the development acceptable. Given that EV charging points are required under Building Control regulations, such a condition is not required.

5.54 The underlying consents confirm that the wider field site lies in close proximity to a site which recorded possibly Roman cremations during an archaeological evaluation. Therefore, a pre-commencement condition is imposed to establish the presence/absence and heritage significance of any archaeological remains within the site and to ensure that any features of historic significance are recorded and, if appropriate, protected during any demolition, site excavation, and construction works. This approach is consistent with the underlying consents.

Conclusion and Planning Balance

5.55 As the LPA cannot demonstrate a 5-year housing land supply, the tilted balance as set out in paragraph 11 of the NPPF applies. At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

5.56 With regard to policies in the NPPF that protect areas or assets of particular importance, this includes the impact to conservation areas. This assessment has found that the proposed development would not lead to material harm to the significance of the CA, and as such, there are no policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development.

5.57 In terms of the balancing exercise required under Paragraph 11)d)ii, officers set out the benefits of the scheme followed by the harms, before applying the so-called 'tilted balance'.

5.58 The scheme would lead to the delivery of three units to the district's housing stock. In light of the LPA's housing land supply shortfall and the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF), positive weight must be attributed to this benefit. Furthermore, Paragraph 70 of the NPPF, sets out that small and medium-sized sites can make an important contribution towards meeting the housing requirements of an area, and are often built out quickly. However, officers consider that the weight to be given to this benefit should be proportional to the number of homes proposed, which in this case is only three units and therefore moderate weight is applied.

5.59 The accommodation would also contribute towards meeting a specific local need for specialist housing for older people, which would accord with Policy H4 of the WOLP. Officers consider that given the number of dwellings proposed, the scheme would contribute to meeting an identified housing need and therefore significant weight is attributed to this benefit.

5.60 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts limited positive weight.

5.61 Biodiversity net gain well above the statutory requirement would be achieved. This attracts limited weight commensurate with the scale of development.

5.62 Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. WOLP Policy OS3 also seeks to minimise the use of natural resources. The application sets out that the dwellings have been designed to Passivehaus principles and incorporate air source heat pumps and solar panels. Officers consider that these benefits attract limited weight in support of the proposal.

5.63 Turning to the adverse impacts of the proposal, officers have found that the development would result in only limited harm to the character and appearance of the area by way of extending the settlement beyond its existing envelope and any impacts would be contained given the existing landscape structure and nature of the proposal. Further, future occupiers would have reasonable access to a range of services and facilities by means other than private car and the scheme would be required to demonstrate adequate surface water flood risk mitigation pre-construction. However, the proposal would conflict with the housing locational strategy of the WOLP outlined within Policies OS2, H1, and H2. Given that the LPA cannot demonstrate a five-year housing land supply and the relative proximity of the site to the settlement, conflict with these policies attracts only limited weight.

5.64 Turning to the planning balance as directed by paragraph 11 of the NPPF, taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted. The application is therefore recommended for approval, subject to the suggested conditions.

6 CONDITIONS

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

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

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

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

3. The dwellings hereby permitted shall only be occupied by persons:
 - a) aged 55 or over, and/or
 - b) living as part of a single household with such a person or persons; and/or
 - c) who were living as part of a single household with such a person or persons at the property who have since died.

REASON: The application has been approved on the particular circumstances of the case. This condition is necessary to ensure that the development is occupied by older persons only, to ensure compliance with the description of development and in accordance with the Local Plan, PPG and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. 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. No dwelling shall be erected above ground level until, a schedule of materials to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.

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

6. 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.

7. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

8. No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development (including windows/doors) permitted under Schedule 2, Part I, Class AA shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the development, the wider area.

10. Prior to above ground works commencing, details of the air source heat pumps and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details for every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

11. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

12. Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

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

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

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

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- I4. The development shall be completed in strict accordance with the following documents and drawings, incorporating details of Biodiversity Net Gain, biodiversity mitigation and enhancements, as submitted with the planning application:
 - I. Sections 7 and 8 and Appendix B (landscape layout plan) of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting;
 - II. Ecology Plan drawing no. 240102 L 010 dated April 2024 prepared by Marks Timms Architect;
 - III. BNG Baseline Plan dated 12/06/2024 produced by Malford Environmental Consulting;
 - IV. BNG Proposed Plan dated 12/06/2024 produced by Malford Environmental Consulting; and
 - V. Rendered Context Plan 240102 L 004 Rev A dated May 2024 prepared by Mark Timms Architect.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 180, 185 and 186 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- I5. Notwithstanding the submitted details and prior to above ground works, a scheme for hard and soft landscaping of the site shall be submitted to and approved by the Local Planning Authority. The scheme shall incorporate the Biodiversity Net Gain Proposed Habitats as described in Section 8 and Appendix B of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting and shall include, but not be limited to:
 - I. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Management Plan;
 - II. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate;
 - III. A landscaping implementation phasing plan, where appropriate;
 - IV. Detailed planting and sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control; and
 - V. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials and openings.

Development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use / first occupation, whichever is the earliest.

REASON: To provide adequate landscaping details for the proposed Biodiversity Net Gain habitats in accordance with Local Plan Policy EH3.

16. If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: to ensure the delivery of the approved landscaping scheme and Biodiversity Net Gain proposed habitats.

17. Before occupation of the development hereby approved, a 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not limited to the following:
 - I. Description and evaluation of features/habitats to be managed;
 - II. Landscape and ecological trends and constraints on site that might influence management and potential remedial measures that could be implemented (adaptive management);
 - III. Aims and objectives of management (including those related to species);
 - IV. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
 - V. Detailed prescriptions for management actions;
 - VI. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);
 - VII. Details of the body or organisation responsible for implementation of the plan;
 - VIII. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
 - IX. Ongoing monitoring and remedial measures, including a detailed monitoring strategy for the 30-year period;
 - X. Timeframe for reviewing the plan; and
 - XI. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Biodiversity Net Gain objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: to secure the 30-year management and maintenance of the Biodiversity Net Gain proposed habitats in line with the statutory BNG requirements.

18. Biodiversity Monitoring Reports shall be submitted to and approved in writing by the Local Planning Authority for each of the first 5 years following completion of the development hereby approved and thereafter every 5 years (quinquennially) up to the end of the 30-year period to provide full details of the implementation of the Biodiversity Net Gain proposals in line with (and as modified by) the Biodiversity Gain Plan, and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be submitted to and approved in writing by the Local Planning Authority. A final 30-year Biodiversity Audit Report shall be submitted to the LPA for approval no later than 12 months following the end of the agreed 30-year period.

REASON: to ensure the effective delivery of the Biodiversity Net Gain outcome.

INFORMATIVES :-

1. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Oxfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

2. The LEMP required by condition could follow the same format of the Habitat Management and Monitoring Plan template found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

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

The application site lies within the red impact zone as per the modelled district licence map, which indicates that there is suitable habitat for great crested newts within the area surrounding the application site. Although there is a low risk for this species within the application site, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a great crested newt is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

For information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help/hedgehogs/link-yourgarden/>

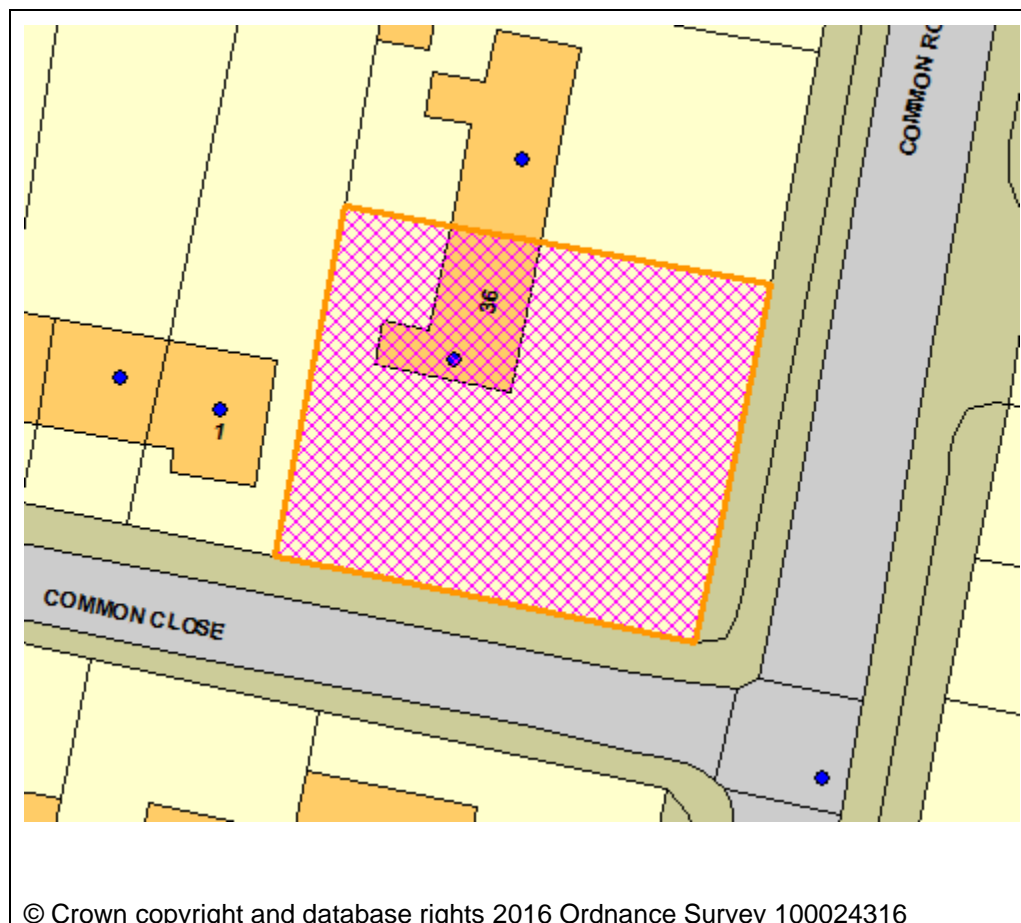
3. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
4. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk

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

Contact Officer: James Nelson
Telephone Number: 01993 861712
Date: 28th August 2024

| | |
|-------------------------|--|
| Application Number | 24/01616/FUL |
| Site Address | 36 Common Road North Leigh Witney Oxfordshire OX29 6RA |
| Date | 28th August 2024 |
| Officer | Sarah Hegerty |
| Officer Recommendations | Approve |
| Parish | North Leigh Parish Council |
| Grid Reference | 438553 E 212597 N |
| Committee Date | 9th September 2024 |

Location Map



Application Details:

Erection of a detached dwelling and associated works

Applicant Details:

Mr Hamilton And Mr O'Grady (Patton Ltd)
107A Park Road
North Leigh
Oxon
OX29 6SB

I CONSULTATIONS

| | |
|-------------------------------|---|
| Thames Water | No Comment Received. |
| WODC Drainage | No Objection subject to condition |
| OCC Highways | No objection subject to condition |
| Env Health Noise And Amenity | <p>No objection to proposal, but I would ask for the following condition to be attached to any consent granted:</p> <p>Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.</p> |
| Ecology Biodiversity Net Gain | <p>The applicant has submitted a BNG Assessment, a copy of the statutory biodiversity metric calculation tool (SBMCT) and a BNG Statement.</p> <p>The BNG Statement confirms that the applicant will be able to achieve the 10% net gain objective off-site either by creating/enhancing habitats on other land that they own or by purchasing off-site biodiversity units on the market (see section 2.3.2).</p> <p>The Biodiversity Net Gain Assessment report by Morph Ecological Consultants dated May 2024 confirms that the majority of the site comprises existing vegetated garden, as it forms the domestic curtilage of an existing residential property. The proposed development will result in a loss of part of the vegetated garden to the new dwelling and associated hardstanding. Due to the type of development and the amount of land available, there is no potential for any additional habitat creation or enhancement in order to meet the 10% net gain objective. The report confirms that a deficit of 0.03 habitat units is required to meet this objective. The applicant will need to confirm how they will provide off-site BNG as part of the Biodiversity Gain Plan required for submission by the deemed statutory planning condition. The council do not need to attach this condition to planning consent - it is covered by the legislation - but an informative does need to be attached as recommended below.</p> <p>The BNG Assessment report also refers to potential for nesting birds within the hedgerow habitat onsite and recommends that any works to this should be timed to avoid the breeding season or only after a</p> |

prior check for nesting birds has been carried out. I recommend a condition to ensure that this section of the report (5.2) is implemented.

Although a "universal bird box" is shown on the proposed side elevation of the new dwelling on the Proposed Plans drawing ref. 001 Rev D, no further details for this are provided (this may have been added due to the comments I provided at pre-validation stage). The type of bird box is therefore unknown. I recommend that at least two no. integrated swift bricks (on the north elevation) and 1 no bat box/tube/brick (on the south elevation) should be incorporated into the dwelling house. This can be covered by planning condition for these features to be installed in accordance with the council's bird and bat box biodiversity specifications. This condition would not need to be discharged.

Overall, the proposed development is small scale and presents a low risk in terms of protected and priority species, and the amount of biodiversity loss would be minimal. There is a requirement to provide 0.03 habitat units to meet the statutory BNG 10% objective, which is covered by the statutory deemed planning condition under the relevant legislation.

Parish Council

North Leigh Parish Council objects to this application on the basis that it does not appear to comply with the pre-app advice dated 24th January 2024 given by WODC. This is an application to build a new 3 bedroom house within the existing plot of 36 Common Road. By reason of the siting, design, massing and scale of the proposal, this additional dwelling and associated works is not a proportionate addition to the original dwellinghouse and the pre-app advice states that the proposal "fails to form a logical complement to the scale and pattern of development in the area" and suggests that the scale of the dwelling be further reduced.

The proposed Development is a significant over development of the property The front of the property will be made up of hardstanding for the parking of vehicles for both 36 Common Road and the New Property.

This will result in a significant loss of amenity to the existing property and leave both existing and new build with a very tiny rear area. The new build will have a significant impact on 1 Common Close and adjoining properties thereto as there will be a considerable loss of light and shadowing affecting these properties.

2 REPRESENTATIONS

2.1 No representations received.

3 APPLICANTS CASE

- 3.1 A Design and Access Statement has been submitted with the application, the key points of which are listed below. The full document is available on the Council's website.
- 3.2 'We ask it be noted that there is still much pressure to find new housing site solutions locally. We also accept that sites such as this one are a modest benefit. Yet when the total of such Windfall sites per year are examined, these can make a significant difference in reducing the local housing crisis. The NPPF is in support of Windfall sites contributing to the sum total of new housing locally.
- 3.3 The measures within The Levelling Up and Regeneration Act may in time speed up planning decisions. This can help the planning system to be more effective in quickening the delivery of sufficient new homes locally.
- 3.4 Regarding Biodiversity Net Gain, having read the BNG report attached, it concludes that adding nature elsewhere via "offsetting" may be needed, to secure compliance. Even so, additional nature enhancements around the dwelling will still be part of the completed scheme, as mentioned including 20 more native hedgerow plants as per our comment in 3.5.7.
- 3.5 In principle, it is agreed this a sustainable site. Most of the details in the scheme were also accepted in the January reply letter. Any remaining concerns seem to focus on the character and appearance, and the size of the 12-amenity space.
- 3.6 We have explained that from all but a "head on" Common Road view, the dwelling will be seen as part of the Common Close development which links together and has a strong visual character. Common Close "stretches" into and is part of the Common Road Street scene. It appears to us this proposal is more in keeping with this than a bungalow, suggested in the reply letter as a possible alternative.
- 3.7 We accept the plot in terms of amenity areas is smaller than neighbours, but the amount of amenity space is greater than many other recently approved dwellings. This does not seem to us to be a valid reason for refusal.
- 3.8 Subject to appropriate planning conditions, we sincerely believe this proposal has overriding, positive benefits, and we ask the District Council to consider our application on this basis.'

4 PLANNING POLICIES

EH7 Flood risk

DESGUI West Oxfordshire Design Guide

OS1 Presumption in favour of sustainable development

OS2 Locating development in the right places

OS4 High quality design

T1 Sustainable transport

T3 Public transport, walking and cycling

T4 Parking provision

EH3 Biodiversity and Geodiversity

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of a detached dwelling and associated works at 36 Common Road, North Leigh. The site is located in a prominent location on the main thoroughfare through North Leigh which rises northwards. The plot occupies a corner allowing views from various vantage points. The properties in the immediate vicinity are one and half storey and two storey dwellings with varying designs on relatively generous plots with a very loose grain and a varied build line and large gaps between dwellings which allows for an open and low density appearance. The site is not within any area of special designation.

The existing dwelling on site is a one and half storey dwelling which is part of a semi - detached pair finished in render under a tile roof which is consistent with the other materials in the area.

5.2 This application is brought before Members of the Uplands Area Planning Sub-Committee due to the conflict between the officer recommendation and the view of the North Leigh Parish Council, who have objected to the scheme.

Planning Considerations

5.3 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations in the assessment of this application are:

- Principle;
- Siting, Design, Scale and Form;
- Neighbourliness;
- Highways Impact;
- Drainage; and
- Ecology.

5.4 Each will be considered in the following sections of this report.

Principle

5.5 The application site lies within the built up area of North Leigh, which is classified as a village in the WOLP (Table 4b). WOLP Policy OS2 outlines that the villages are 'suitable for limited development which respects local character and local distinctiveness and would help to maintain the vitality of the community'.

5.6 Policy H2 states that in main service centres, rural service centres and villages new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;

- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.
- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.7 In this instance the site is located on undeveloped land within the built up area of the village and the proposed development is therefore considered acceptable in principle subject to assessment against the general principles of WOLP Policy OS2 and H2 and other relevant plan policies and material considerations below.

Siting, Design, Scale and Form

5.8 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding.

5.9 The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

5.10 The site is sited in the large side garden area of No36 and is bound by a mature hedge extending around the southern and eastern boundaries which are immediately adjacent to the street. The proposed dwelling would be set slightly forward of the front build line of No36 to the north and south of the build line of 1 common close to the rear however, this is broadly consistent and is not so significant that it would detract from the streetscene. The proposed siting of the dwelling is therefore considered to form a logical compliment to the existing pattern of development in the locality.

5.11 In terms of design, scale, and form, the scheme has undergone modifications from the previous version submitted during the pre-application phase. The overall scale has been reduced, and the proposed dwelling has been repositioned away from No. 36 to the north. The design features a dual-pitch structure spanning two storeys, with a modest lean-to element at the front, a pitched dormer that breaks the eaves line at the first floor and photovoltaic panels (PVs) incorporated into the west-facing rear roofscape. The materials proposed include textured render for the walls and tiles for the roof.

5.12 During the pre-application process, officers expressed concerns that introducing a dwelling in this location might result in a cramped design due to its scale and positioning on the site. However, the revisions, including repositioning the dwelling more centrally on the site and reducing its height, width, and depth, have improved the situation. These changes mean the dwelling now sits more comfortably on the site, with its design and materials blending well with the surrounding environment, making it, on balance, acceptable in this regard.

- 5.13 Officers have also taken note of the parish's objection that the applicant has not followed pre-application advice recommending a bungalow for this location and that the proposed scheme is not a proportionate addition to the area. Despite these concerns, the scheme has been adjusted and Officers believe that a two-story dwelling in this location does not appear out of character with the area.
- 5.14 Your officers conclude that the proposed design, scale, and form of the dwelling are proportionate and appropriate within this context. Therefore, the application is considered to, on balance, comply with WOLP Policies OS2 and OS4 regarding siting, design, scale, and form.
- 5.15 In terms of the overall space provided for future occupants, the dwelling provides Lounge, dining room and Kitchen at ground floor level and 3 bedrooms and family bathroom at first floor level. The rear amenity space whilst modest is considered adequate and useable given its uniform shape. The retained garden serving No36 again whilst modest is adequate and useable for the size of the dwelling.
- 5.16 Officers consider the scheme forms a logical compliment to the scale and pattern of development for the area and is in keeping with the wider streetscene and is therefore compliant with policies OS2 and OS4 of the WOLP and the West Oxfordshire Design Guide and the NPPF.

Neighbourliness

- 5.17 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF.
- 5.18 There are no side windows on No36 Common Road and 1 small window on the side of 1 Common close which serves a bathroom. There are 2 proposed first floor windows to the rear of the new dwelling which will serve a bedroom and bathroom but these will look out onto the side elevation of No 1 Common Close. The private outdoor amenity area to No 1 will not be directly overlooked with only some potential limited angled views from the first floor windows and as such there would be no significant loss of amenity to the occupiers of No 1.
- 5.19 Officers note the Parish Councils comments regarding loss of light and overshadowing however given the centralised location of the proposed dwelling and its orientation is not considered that the scheme would result in a significant loss of light or overbearing impact on the neighbouring properties windows or amenity spaces.
- 5.20 Therefore, your officers consider that the application accords with WOLP Policies OS2 and OS4 in regards to neighbourliness.

Highways Impact

- 5.21 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The existing site benefits from vehicular access and the dwelling would be served by two parking spaces, as well as located in close proximity to a range of services accessible by foot.

5.22 Consultation with the Local Highways Authority has been carried out and the proposed development is considered to result in an acceptable impact upon the local highways network subject to the imposition of planning conditions. The application is therefore acceptable in highways terms.

Drainage

5.23 The site lies within Flood Risk Zone I in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Your officers are therefore satisfied that the scheme will be required to demonstrate how surface water will be adequately managed prior to construction of the proposed dwelling.

Ecology and Biodiversity Net Gain (BNG)

5.24 The application site is within the side domestic garden area of No36. Officers note the applicant's comments within the BNG statement:

"Overall, the development is very small scale and unlikely to have a negative ecological impact as there was no evidence of protected species on site and the habitats were of low ecological value. However, the site meets the requirements for mandatory biodiversity net gain. The only viable options for the site to achieve the mandatory biodiversity net gain (by providing an additional 0.03 Habitat Units) will be for offsetting elsewhere likely through a habitat bank."

5.25 Officers are yet to have the Biodiversity Officers comments and therefore will update Members prior to committee however, the BNG element of the scheme is likely to be secured by a legal mechanism.

Planning Balance

5.26 This assessment has found that the proposal would accord with the relevant policies of the WOLP and relevant material considerations. However, the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. The NPPF states that where the LPA cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged and there is a presumption in favour of sustainable development unless:

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

5.27 The proposed development would not, in officers view, adversely affect protected areas or assets of particular importance and therefore the 'tilted balance' as directed by paragraph 11(d) of the NPPF is engaged. Officers must consider whether the adverse impacts of an addition dwelling in this location would significantly and demonstrably outweigh the benefits.

5.28 The tilted balance does not undermine the pre-eminence of the local development plan in decision-making and assessment against relevant policies in the WOLP may therefore be weighted in the planning balance. However, given the LPA's failure to demonstrate a deliverable five year housing land supply, the provisions of the housing locational strategy (WOLP Policy H2) may only be afforded limited weight.

5.29 In terms of benefits, the proposed development would make a very small contribution to housing supply in the area. Officers acknowledge the economic and social benefits associated with the creation of a single additional unit of residential accommodation and the potential for an additional household to increase spending in the area and contribute to social cohesion. Officers consider that these benefits should be awarded very limited weight given that the scheme would provide just one additional unit of housing.

5.30 This assessment has identified no material planning harms that would result from the scheme. Given the lack of adverse impacts that would result from the proposal, officers consider that there are no adverse impacts that would significantly and demonstrably outweigh the benefits and the proposal should be approved.

Recommendation

5.31 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, T1, T3, T4, EH3 and EH7, the NPPF 2023 and the West Oxfordshire Design Guide 2016 and is therefore recommended for conditional approval.

6 CONDITIONS

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

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

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

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

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

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

4. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

5. 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.

6. 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.

7. Demolition and construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

REASON: To safeguard living conditions in nearby properties.

8. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the NPPF 2021, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with

or without modification), no development permitted under Schedule 2, Part 1, Classes A or AA shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to prevent overdevelopment of the site.

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

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

12. The development shall be completed in strict accordance with the following:

- I. Precautionary working methods contained in Section 5.2 of the Biodiversity Net Gain Assessment report regarding nesting birds. The recommendations for the avoidance of the breeding bird season or a pre-development check for nesting birds in the hedgerow shall be fully implemented, unless otherwise agreed in writing by the Local Planning Authority.
- II. The integration of at least 1 no. bat box (e.g. tube, brick or access panel) in the southern elevation wall of the new dwelling in accordance with the council's Biodiversity Specification #4;
- III. The integration of at least 2 no. swift bricks in the northern elevation wall of the new dwelling at 1 metre intervals and in accordance with the council's Biodiversity Specification #3.

REASON: To protect nesting birds and to provide biodiversity enhancements in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework (2024), Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES :-

- I. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Biodiversity Specifications #3 and #4 can be downloaded from the council's website at: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/> in relation to the bird and bat box installation condition.

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and Protection of Badgers Act 1992. In the event that evidence of protected species is found during development works, then you must seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to re-commencing works.

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

Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 28th August 2024