

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 28th May 2025

REPORT OF THE HEAD OF PLANNING



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 Development 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.

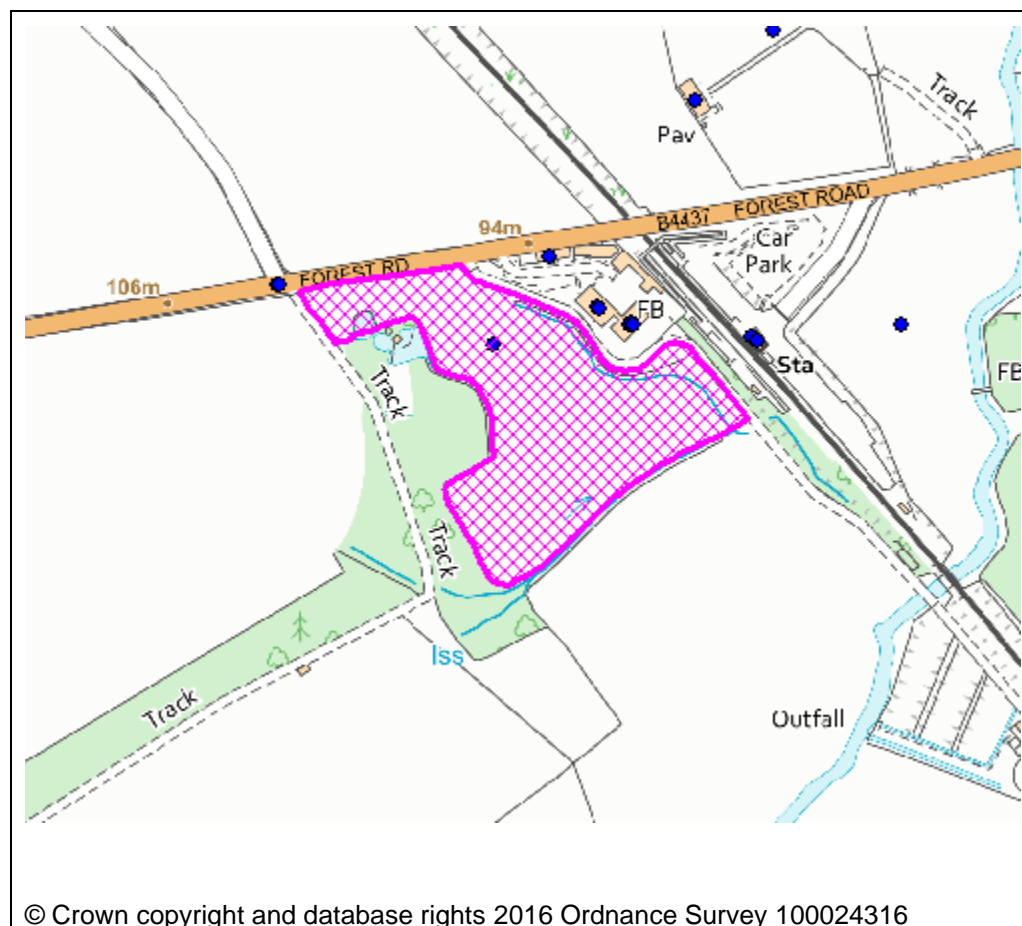
Please note that:

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

Item	Application Number	Address	Officer
1	23/03071/FUL	Land South Of Forest Road	Mike Cassidy
2	24/03150/LBC	Sydney Cottage Pytts Lane	Rebekah Orriss
3	25/00793/HHD	Church View Cottage Church Walk	Mr Emile Baldauf-Clark

Application Number	23/03071/FUL
Site Address	Land South Of Forest Road Charlbury Oxfordshire
Date	19th May 2025
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Parish Council
Grid Reference	435053 E 219434 N
Committee Date	28th May 2025

Location Map



Application Details:

Erection of thirty seven dwellings including access road, landscaping and associated earthworks

Applicant Details:

C/O Agent

I CONSULTATIONS

Major Planning Applications
Team

Transport - No objection subject to S106 contributions and appropriate planning conditions.

LLFA -No objection subject to drainage conditions.

Education - No objection subject to S106 contributions.

Archaeology - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Waste - No objection subject to S106 contribution.

Conservation And Design
Officer

Perhaps the first thing to note is that the Evenlode valley is a crucial feature of the CA, both in terms of its strong riparian character, and also in the way it has largely contained the built development of the settlement to its eastern side. And we note that the current site sits on the western side of the valley, on rising ground.

Because of this topography, the site is prominent in views from the settlement - particularly from Dyers Hill and Grammar School Hill - and also in views towards the settlement - particular from the main western approach, along Forest Road. And whilst vegetation masks the site to a degree in some views, we would not wish to rely on green screening in perpetuity - particularly in these days of climate change.

We note that although there is existing, somewhat workaday, development adjacent to the north-eastern edge of the site (and also the Grade II listed railway station), the character of the site itself remains essentially pastoral, with some trees. Until recently there was, in fact, fairly copious vegetation with mature trees on the lip of the valley, under which the site nestled to a degree, although this has largely gone, arguably increasing the prominence of the site against the skyline.

In summary, it seems that almost any development on the site is likely to make a considerable impact upon the setting of the CA, particularly if it occupies the land rising to the south-west.

Turning to the current proposal, I note that 37 dwellings are proposed, mostly flanking a road running along the mid-height contour, although with a spur running to the higher ground to the south-west -and pretty much following the constraints imposed by the shape of the site. There are garages to the market houses, with

parking spaces generally set beside and between the other properties. The general layout appears fairly workable, and is roughly similar to that approved under 15/03099/FUL. But it does nonetheless push dwellings up to the most prominent highest ground.

There is a range of house designs: Types A, C, D and G have traditional pitched roof massing, but strange and gratuitous panels beneath the openings; they also have poorly coordinated, and somewhat arbitrary, PV arrays - whereas continuous narrower integrated strips along the eaves would have been preferable. Type B has exactly the same issues, to which it adds a pyramidal roof with an odd flat top, and a seemingly arbitrary flat-roofed accretion. Type E is similar to A, etc, but adds a cross wing, with disappointing blanked openings at first floor, and which should be inset from the main gable to give clear articulation. Type F also has the A, etc, issues - and a strange elevation with shallow twin cross gables - rather too fussy and not well resolved; it also has one of the arbitrary flat-roofed accretions. Types G and H are semis - but sharing the Type A, etc, issues - and adding in a measure of unresolved duality. Types J and K are semi bungalows, fairly simple and relatively unobjectionable, if underwhelming and fairly low pitched - but again there is the PV issue.

And in terms of the deployment of the various house types, we note that this feels somewhat arbitrary - other than that the market housing is generally furthest away from the railway, on the highest ground. Thus, we note that the entrance to the site is not really celebrated, with gatepost type forms, for example, or any sort of framing or architectural invitation. And nothing much is made of the nodal junction of the three arms. But in truth it is difficult to get a feel for it all - as there are no site sections and street elevations.

Clearly this development will make a very significant impact upon the CA, carrying the built form well beyond the historic pattern of development, and also compromising the special quality of the river valley. And the house designs tend toward the unhappy, with no celebration of nodal points and no real joy in the layout. But admittedly, the principle of development here has already been conceded, and there is a considerable amount of non-market housing here to weigh in the balance. Nonetheless, were this to be supported, I would wish to see some considerable redesign, and much more illustration.

WODC - Arts

An allocation of £3,780 towards a temporary public art programme post occupation.

WODC - Sports

The Council seeks to secure, by way of planning obligations off site contributions for Sports/Leisure:

a. Outdoor pitch provision £73,194.14 towards improvements to sports pitches, enhancements to sports courts and ancillary facilities

in the catchment area.

Total request = £73,194.14 towards off site contribution towards leisure and sports facilities in the catchment area.

As per November 2023 Planning Statement 'on site of a LEAP or financial contribution towards and offsite LEAP in agreement with the Town Council. If on site - details to be approved via the S106'.

Climate

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.

The proposed development site appears to have been used for agricultural purposes over time. Land to the north east of the site has formerly been used as a gas works and a pharmaceutical factory. There is potential for contamination to be present on the site. Given the proposed residential use of the site please consider adding the following condition 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.

Env Health Noise And Amenity

I have reviewed the documentation supplied with the application and can find no mention that noise from the adjacent railway line has been considered. I must therefore raise an objection until a noise report has been received to measure the impact of noise from the railway on the proposed dwellings, along with any remediation measures that might be required. Noise levels should be within the requirements of BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

Once this has been received and agreed and permission granted, a short construction environmental management plan (CEMP) will need to be deposited with and approved by, the Local Planning Authority. The plan shall include, but not be limited to, details of how noise and dust are to be minimised and controlled, how waste and recycling will be dealt with and how other environmental impacts are to be minimised.

WODC Housing Enabler

The affordable housing includes an element of specialised housing and staff accommodation designed in consultation with Oxfordshire County Council and West Oxfordshire District Council. I request that homes indicated to for discounted market sale are provided either as First Homes or shared ownership. Affordable Housing provided on this development could make an important contribution to local housing need.

WODC Tree Officer

No Comment Received.

Natural England

No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A.

Newt Officer

There is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, we recommend that an informative be attached to any planning consent granted.

WODC Planning Policy Manager

No Comment Received.

Thames Water

Waste - We would expect the developer to demonstrate what

measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative to be added.

Surface Water - If the developer follows the sequential approach to the disposal of surface water we would have no objection

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

With regard to water network infrastructure capacity, TW would not have any objection to the above planning application. An informative is recommended.

Cotswolds Conservation Board

The Board considers that this proposal constitutes 'major development' in the context of paragraph 183 of the National Planning Policy Framework ('NPPF', December 2023). Based on the definition of major development contained in footnote 64 of the NPPF, the Board considers that the proposed development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Accordingly, we wish to raise a holding objection. We would request that the applicant provides the following additional information to allow a more thorough assessment of the potential impacts of the proposal on the Cotswolds National Landscape and aid in an assessment of whether or not exceptional circumstances exist and the development would be in the public interest. These include:

- o Further justification for the exceptional circumstances case responding to the comments made below.

- Response to our comments on the Landscape and Visual Appraisal.
- Response to our comments on the potential impact upon the neighbouring ancient woodland.

Further detailed comments are contained in Annex I, which can be viewed on the website.

Parish Council

Initial comments 15.12.23

Charlbury Town Council supports this application acknowledging the intent to address the housing needs of the parish of Charlbury as expressed in section 5 of the Charlbury Neighbourhood Plan 2031 (CNP) and specifically the need for affordable and low-cost housing. In this regard we consider the application to be compliant with CNP policies CH2, CH3, CH6 and CH7.

We recognise that this application is NOT supported by CNP Policy CH1 as the location does not genuinely adjoin the existing built-up area. However, we also note that the Neighbourhood Plan was written on the assumption that a similar development on this site, approved at that time under application 15/03099/FUL, would go ahead. Taking these matters into account, the town council is prepared to support this specific application on this site, subject to conditions/agreements as set out below, having judged that it addresses the aspirations of CNP policy CH1 in all other respects.

Any development within the strong and sensitive landscape of the Evenlode valley is potentially problematic and great care is required to ensure the protection of the natural environment in line with section 7 of the CNP. CNP policy NE3 is crucially important here and in this regard, the town council has judged that on balance, and in this specific case only, the public benefit from the proposed development outweighs potential harm to the landscape and natural environment, and that any such harm has been minimised and mitigated as far as practicable by the proposal.

However, in order to justify the town council's judgement in this regard together with its general support for the scheme, we ask that any approval addresses the following matters by condition and/or legal agreement to ensure compliance with the CNP.

1. Biodiversity & Wildlife Conservation - CNP Policy NE5

The development site is adjacent to a Conservation Target Area (CTA) identified as of great importance for wildlife conservation. Commitments should be secured to deliver biodiversity net gain, including addressing the aims of the CTA (as per the Oxfordshire Biodiversity Action Plan) and providing an enhanced wildlife-friendly environment. Conditions and/or agreements should reflect CNP paragraphs 7.3.5 to 7.3.12.

2. Dark Skies - CNP Policy NE4

In accordance with the requirements of CNP policy NE4, we ask that any approval be conditional on a requirement for all external lighting to be provided at the lowest possible levels and that features (e.g. roof lights), which could be detrimental to dark skies, are avoided.

3. Safe Walking and Cycling access - CNP Policy ECT9

Walking and cycling access between the site and the town centre is extremely problematic especially over the railway bridge, with narrow pavements and fast traffic approaching the town down the hill of Forest Road. In order to ensure compliance with CNP policies ECT9 & ECT10, we ask that any approval be conditional on the

provision of measures to address the issue of safe walking routes (e.g. by the provision of traffic calming measures, extension of the 20mph zone and/or wider and relocated pavements).

4. Easy access for all - E-bikes - CNP Policy ECT10

The council is concerned that residents will be deterred from walking and cycling to the school and town facilities by the distance and hills as well as the safety issues as above. In order to demonstrate how the development will address the movement needs of all ages and abilities as required by CNP policy ECT10, we ask that measures such as the provision and/or support for E-bikes for residents, including provision of e-bike charging points for all units be required for any approval.

5. Solar panels.

In line with the town council's commitment to zero carbon, could the proposed level of solar panel provision within the development please be increased?

Major Planning Applications
Team

No Comment Received.

Parish Council

Charlbury Town Council re-consultation 29.4.25

No objection to the proposal subject to a condition removing the permitted development rights of those houses proposed to erect any buildings (including sheds) but also nonorganic substances (such as hard standing and astroturf) within the 15-metre buffer zone near to the ancient woodland and subject to the assurance that the affordable homes which have changed category (from first homes to social rent and discount market units) will continue to benefit from the same level of discount as previously proposed, and that this discount remains in perpetuity.

Designing Out Crime Officer

No Comment Received.

Oxford Clinical Commissioning
Group NHS

No Comment Received.

Cotswolds Conservation Board

No comment received to date on re-consultation.

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. The proposed development site appears to have been used for agricultural purposes over time. Land to the north east of the site has formerly been used as a gas works and a pharmaceutical factory. There is potential for contamination to be present on the site. Given the proposed residential use of the site please consider adding the

following condition to any grant of permission.

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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.

Env Health Noise And Amenity

Thank you for consulting me on this application.

I have reviewed the 'CEMP' and amended 'Acoustic Assessment', and deem them both to be suitable. I advise that the following condition (or likewise) be implemented:

1. The 'Acoustic Assessment', as hereby approved, shall be strictly adhered to. All recommendations outlined in the approved 'Acoustic Assessment' shall be implemented and completed prior to the first beneficial use of the development. These details shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority. Should any alterations be made to the development that could materially affect the results of the 'Acoustic Assessment', an updated assessment shall be submitted to (and approved in writing

by) the Local Planning Authority prior to the commencement of the affected works. This updated 'Acoustic Assessment', as approved, shall supersede all previous iterations.

REASON: In the interests of residential amenity.

It should also be noted that the 'Acoustic Assessment' discusses overheating and ventilation. Building Control will need to be made aware of these details and limitations.

WODC Housing Enabler

Support for the proposal. The site is within the medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The scheme proposes providing 57% of the dwellings as affordable housing, exceeding the 40% policy requirement in medium-value areas.

The affordable housing dwellings proposed for rental will be of Social Rent tenure which is prioritised by the Council. Intermediate dwellings are proposed as Discount Market Sale tenure. Previous iterations of the scheme have proposed for these dwellings to be provided as First Homes tenure which would be preferred by the Council. It is proposed that an element of the affordable housing is used for specialised housing to meet the commissioning needs of Oxfordshire County Council. It is requested that development not commence until WODC and OCC are satisfied that ownership, management arrangements, commissioning requirements and deliverability requirements are in place.

The proposals include self/custom build dwellings intended to meet the indicated demand for such housing held on the Council's register. A delivery statement should be provided to, and agreed by, the Council to ensure that these dwellings are secured for this purpose, offer sufficient customisation options to purchasers and meet the intentions of the self/custom build legislation..

2 REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

2.2 142 responses have been received objecting to the application on the following grounds:

- The proposal has not demonstrated the 'exceptional circumstances' required to justify development of this site. It fails to meet the essential criterion (the site is not 'land adjoining the built up area') set out in Policies NE1-NE3 of the Charlbury Neighbourhood Plan and would be in conflict with the Development Plan.
- Unsuitable location for housing.
- Overdevelopment of the site.
- There are better sites available for needed housing which genuinely connect to the town.

- The proposal, with its isolated, density-gradient design, clashes with the established character and heritage value of the town's valley setting. This disconnect not only undermines the area's charm but also sets a dangerous precedent for future harmful development that could compromise the historical integrity of the town.
- Inappropriate design and layout.
- Harmful to the character and appearance of the Charlbury Conservation Area.
- The visual impact of the development of this site, in the face of the town, important listed buildings and the enveloping Conservation Area, will significantly harm the town's heritage valley setting.
- The site has been contaminated by industrial waste dumped from Charlbury's former gas works.
- Increased danger of flooding.
- Unneighbourly form of development.
- Adverse landscape impact.
- Detrimental impact on the AONB and Cotswold National Landscape.
- Insufficient woodland buffer.
- Threat to local wildlife.
- Impact on local biodiversity and ecology.
- Unsustainable form of development.
- Inadequate pedestrian footway, especially for disabled users.
- The nearby station building is Grade 2 listed, its setting will be changed considerably if a housing estate were to be built in the field opposite.
- Impact on trees and hedgerows on railway land on the far side of the track.
- Prominent development that would not enhance this area of outstanding natural beauty.
- Lack of parking provision.
- Significant increase in traffic from car journeys to and from the Town.
- Prejudicial to highway safety.
- Undue strain on local services and amenities.
- The potential harm associated with this development scheme far outweighs any perceived benefits.

2.3 19 responses have been received in support of the application on the following grounds:

- Much needed affordable housing for local families and the community of Charlbury.
- The supported living/extra care units proposed will meet the priority needs of the County Council, including young onset dementia. Homes England, the Government's funding agency, is supporting the development with grant funding.
- The development gives hope to many local people that their families may have a chance to stay in the area and afford a house of their own.
- The proposal represents a much needed addition to the Charlbury housing stock in an appropriate location.
- The proposal is on poor agricultural land within earshot of the station, near to a busy industrial estate, just upstream from the sewage works and opposite the old gasworks site.
- The site has excellent rail links nearby and a good footpath into town, where there are excellent town facilities and a good bus service connecting local towns and villages.
- The position of the development will have minimal impact on the town and can only prove to be a positive addition.
- The local school has a shortage of pupils so there will not be any overly large classes which is another plus for Charlbury. There is also a nursery next to the railway station.

- Sensitively planned and designed with the provision of a 5 metre buffer area around the site with built development being located a further 10 metres away.
- Care and consideration has been taken to protect local ecology. The ecological survey provided demonstrates that many of the species of birds/animals etc will remain unaffected as there seems to be little evidence of their activity. Where there is activity, surrounding fields/scrubland would provide adequate shelter/foraging for the animals.
- The project has taken into account the environment and preservation of its natural beauty and would not significantly endanger wildlife nor negatively impact the AONB.
- The inclusion of public transport infrastructure in the proposal has to be commended. Not only will that benefit the future residents of Rushy Bank, but it has the potential to positively impact the whole of the town.
- The development will help preserve Charlbury's character as a bustling rural town.
- Highly sustainable dwellings built to exceed building regulations standards and constructed to net zero standards.
- The development would comprehensively meet the objectives of the Charlbury Neighbourhood Plan and its policies delivering wider benefits that outweigh any harm.

2.4 Charlbury Conservation Area Advisory Committee - In line with its remit, the Committee concentrated on the impact of the latest development proposal on the setting of the Charlbury Conservation Area. Two aspects were identified as of particular concern: the damage to the historic topography of Charlbury as a settlement and the negative impact on highly significant views of the Evenlode valley to and from the town.

The 1998 West Oxfordshire assessment of the landscape on the West side of Charlbury remained highly relevant to the present application and this had been further reinforced in the policies both of the present Local Plan and in the Charlbury Neighbourhood Plan. Both the CNP and the Character Assessment that helped to inform it placed great emphasis on the strong western edge to the town provided by the river. This had been a feature of Charlbury inherited from the earliest settlement round the church in Anglo-Saxon times and maintained ever since. The significance and landscape quality of the Evenlode valley as the setting for Charlbury and the fine views which it provided were also recognised in the documents cited. Particularly relevant in this context were CNP policies NE2 and NE3 of the CNP supported by their justification which describes the valley as 'Charlbury's most distinctive landscape feature and of critical importance to its setting'.

In discussion, members recognised the importance of increasing social/affordable housing in Charlbury but a clear majority were strongly opposed to providing it on the Rushy Bank site where it would be outside the town and isolated from it. It was noted that Charlbury's considerable quantity of modern housing had been successfully located to the north- east, east and south- east of the town without breaching its natural and historic boundary on the west. An estate of 37 houses on Rushy Bank would severely damage this important feature of the town's character. It would also compromise Charlbury's incomparable landscape setting with its fine views across the Evenlode valley. The visuals with the application made it clear that the development would be clearly visible in the grand panoramic view from Grammar School Hill towards Cornbury and Wychwood forest even in the summer when the leaves were on the trees. In addition it would be visible from places within the town and in the most impressive approach to the town down Forest Road. Concern was also expressed about impact the inevitable light generated by such a development in this location (see policy NE4 on tranquillity and dark skies in the CNP) and the disastrous precedent that could be set by approval of development in this location.

Members noted that no visuals were provided to represent views of the proposed development in winter when the leaves were off the trees, that there was no information about the materials proposed for the development and that the pre-application advice was not disclosed. The claim in the Design and Access Statement that 'The design of the development has taken reference from the local vernacular form of development which characterises Charlbury and the local area' could be refuted by reference to the Charlbury Character Assessment and the Design Guidance in Appendix C of the CNP particularly in CI Part I. Tranquillity

In conclusion, the majority of members objected strongly to the proposed development on the grounds of its negative impact on the setting of the Charlbury Conservation Area. Policy CH1 of the CNP made no provision for housing on land outside the built up area or genuinely adjoining the built up area. Affordable housing development would only be supported under policy NE1 if 'consistent with the great weight that must be given to conserving and enhancing the landscape, natural scenic beauty ...and heritage of the area'. The protection of important views under Policy NE2 required great weight to be given to important views from the town including the view of the Evenlode valley and the registered landscape of Cornbury Park from the promenade along Grammar School Hill. Most crucial to the present case was policy NE3 which established the terms of the planning balance to be undertaken in protecting the Evenlode Valley to the west of Charlbury by requiring a robust demonstration that public benefit of development there outweighed any detriment to the landscape and that a similar benefit could not be achieved in another location in the Neighbourhood Plan area or elsewhere. A majority of the Committee members with two dissenters considered that the public benefit of the proposed development did not outweigh the detriment to the landscape in this case and that a similar benefit in terms of affordable housing could be achieved in another, less sensitive, location.

Extracts of comments on previous schemes which remain relevant to the present application are attached at Annexe A, which can be viewed on the website.

- 2.5 CPRE West Oxfordshire disagrees with the LVIA and concludes that a development on this site would be MAJOR ADVERSE on the landscape setting of Charlbury Conservation Area as well as the local landscape character of the Cotswolds AONB well beyond the 10 years post completion. In addition, OCC Highways would also have to improve road safety (particularly for the bungalow residents who may be elderly and/or disabled) thus ruining the landscape setting even more with street furniture, streetlights, width restrictions or buildouts. Not only would be visual impact be devastating from the development itself, the resulting changes needed for pedestrians would be adverse to the approach to Charlbury as well as creating obstacles for recreational cyclists who use this route daily. This would be a major development in the wrong location that would lead to increased noise pollution, both during and after construction which would have an adverse impact on the tranquillity of the AONB and Charlbury. There will be more light pollution which will detrimentally affect nocturnal species of bats and invertebrates. Light pollution will also have a major adverse effect for biodiversity and dark skies. Currently the river acts as a deterrent to cats but building 37 houses right next to a woodland on the Rushy Bank site would open up a vast hunting area and have a devastating impact to the flora and fauna within and around the site. It is unclear what off mains drainage is being asked for and whether it would be managed sustainably or if the chemicals used would be damaging to biodiversity at the disposal stage.

- 2.6 Friends of Evenlode and West Oxfordshire Cotswolds, objection to the proposal for the following reasons:

- Principle of development - The High Court's quashing of the s73 consent granted by WODC means there is now no extant consent on this site and the principle of developing it must be reconsidered. The applicant's claims of some legal standing to the partially constructed access and other works is rebutted by the High Court ruling that the commencement of development was unlawful. The proposal would be harmful to the Conservation Area, AONB Open Countryside and Cotswolds National Landscape contrary to the Charlbury Neighbourhood Plan.
- Flawed interpretation of Ancient Woodland Guidance - the applicant argues incorrectly that less than significant deterioration of the woodland is an acceptable harm. The NPPF (paragraph 193 (c)) obligates refusal where any deterioration of the woodland would result. Natural England guidance on the policy is completely clear that a 15 metre buffer is a minimum and, where indirect harms extend, the buffer must be increased, as is the case here. The indirect harms of this proposal extend further than the 15 metre minimum in part because of the felling which the landowner undertook and the residential nature of this development. The dense woodland edge which previously provided protection and would be expected, has been removed and 24 hour residential occupation including by domestic pets would require increased levels of buffer.
- The tilted balance and Local Plan housing numbers - the Council's inability to demonstrate a 5 year housing land supply does not impact the determination of this application as the application of policies in the NPPF that protect areas and assets of particular importance (the AONB, Listed Buildings and the Charlbury Conservation Area as designated heritage assets, and the ancient woodland) provide a categorical reason for refusing the development application. The inclusion of this development in the Local Plan Housing Supply calculation is now irrelevant and directly contrary to the findings of the Local Plan inspection (see para 224 of the inspector's final report) in which the inspector concluded that policies in the Local Plan that require development in the Burford-Charlbury sub-area to respond only to local need were sound on the basis of the "significant opportunity for general development needs to be met outside the AONB".
- Highways - the continued acceptance by OCC of the adequacy of the footpath improvements approved under 15/03099/FUL is contrary to minimum footpath standards and puts pedestrians moving to and from the proposed site at material risk. The lack of safe pedestrian access marks the development as unsustainable creating an unacceptable amenity impact on Charlbury town centre users and residents from unnecessary additional vehicle movement and parking.
- Levelling-Up and Regeneration Act 2023 (LURA) amendment to Countryside and Rights of Way Act 2000 s245 (6)-(10) - In December 2023, the LPAs' statutory obligations towards protected landscapes in determining planning applications changed from a need to have regard to the statutory purpose of AONBs to a positive duty to "seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". Furthermore, LPAs in AONBs are now required to "contribute to the implementation of" protected landscape management plans, in this case the Cotswolds National Landscape Management Plan 2023-2025. The objections of the Cotswolds Conservation Board to this application require resolution to comply with those statutory obligations.
- The importance of this site to wildlife conservation: LURA - Nature Recovery Networks - the LURA now requires Local Plans to take account of Local Nature Recovery Strategies (LNRS). The site has been identified as a Nature Recovery Area in the draft Oxfordshire LNRS, consultation on which completed on 1 December 2024.
- Non-compliance of ancient woodland replanting scheme - the proposed replanting of the woodland in accordance with the plan on p31 of the revised Planning Statement is outside the development site and the control of the applicant and therefore cannot be relied on or considered and further submit that this replanting breaches the Forestry Commission's felling licence conditions. The licence permitted the creation of open space (0.07ha) within the hazel woodland and not within the poplar plantation which directly abutted the development

boundary. The licence therefore requires replanting of the woodland right up to the development boundary. The Forestry Commission will review compliance with the licence at its expiry.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

"The Council cannot currently demonstrate a five year land supply. In such cases, the requirements of paragraph 11 of the NPPF are pertinent. It is acknowledged that the NPPF at paragraph 11 notes that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed' The NPPF identifies the AONB and Ancient Woodland (as irreplaceable habitat) as having specific protection.

The proposed development would not have an adverse impact upon the ancient woodland and how the development constitutes exceptional circumstances to justify development in the AONB. Exceptional circumstances are considered to be demonstrated given the provision of housing, particularly affordable housing, in an area where opportunities are rare and where there is a distinct need identified both in the Local plan and the Neighbourhood Plan. The opportunity to provide for these local communities is not possible outside of the AONB given the reach of the AONB in the District (and in particular this sub area) and the impact upon the AONB is limited given the contained nature of the site and the comprehensive landscaping scheme which is proposed as part of the application.

Additionally, it is demonstrated that the limited less than substantial harm which is caused to the heritage assets (adjacent train station building) would be outweighed by public benefits. The assessment demonstrates that the proposals would meet with the requirement of specific paragraphs of the NPPF in relation to Ancient Woodland and the National Landscape.

Furthermore, it is outlined that there are no strong reasons to refuse planning permission. On this basis, the titled balance applies, and planning permission should be granted unless: '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.' (Paragraph 11 d) ii.)".

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH4 Public realm and green infrastructure

EH5 Sport, recreation and children's play

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

BC1NEW Burford-Charlbury sub-area

NPPF 2024

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

CHANP Charlbury Neighbourhood Plan

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

5 PLANNING ASSESSMENT

5.1 The proposal is for the erection of thirty seven dwellings including access road, landscaping, and associated earthworks. The Planning Statement (PS) states that the proposed development offers a mix of market, affordable, and specialist accommodation for older people and/ or those with disabilities.

5.2 The site lies to the west of the village of Charlbury on the southern side of Forest Road (B4437) and adjoins the enclave of development to the rear of the railway station. The site measures approximately 2.4 hectares in area. A large copse/woodland (Rushy Bank Ancient Woodland) provides the backdrop to the site which lies within the Cotswolds National Landscape (formerly AONB). The Charlbury Conservation Area lies on the eastern side of the railway line.

Background Information / Relevant Planning History

5.3 Planning permission was granted for a residential development of 25 dwellings comprising self/custom build, market housing and affordable housing (use class C3) and a 12 bed supported living (sui generis) facility with associated access, parking, and landscaping subject to a s106 agreement in January 2020 (Ref: 15/03099/FUL). As part of this permission, ecological assessments and biodiversity management plans proposed 5m buffer zone between the proposed development and the Ancient Woodland to the west.

5.4 A discharge of condition application to discharge Conditions 3, 6, 7, 8, 12 and 13 was submitted and approved (22/00254/CND) in August 2022. Documents submitted to discharge these conditions involved showing the implementation of the 5m buffer zone. At this point, the approved plans showed that the 5 metre buffer was not achieved at three locations along the western boundary. Following the approval of application 22/00254/CND, a Judicial Review, formally challenging the approval was launched.

5.5 Material operations started on site in September 2022 in line with the details approved under application 22/00254/CND. These works involved the creation of the current vehicular access into the site along Forest Road. These works were confirmed by the Council as constituting a material commencement of development.

5.6 A Section 73 Application (22/03294/S73) was subsequently submitted in November 2022, altering the layout of the proposed development and ensure that the recommended 5m ecology buffer around the edge of the site could be provided in all locations. Following the approval of planning permission in March 2023, ground works began on site in the form of laying out of concrete foundations for one plot of the S73 development. These works were also considered by the Council to establish that material commencement of 22/03294/S73 had taken place.

5.7 The Judicial Review Hearing of 22/00254/CND was held on the 30th of March 2023. HHJ Jarman KC sitting as a Judge of the High Court concluded that the decision of the Council in relation to the Discharge of conditions should be quashed. This was on the basis that the proposals could not provide the 5 metre ecology buffer in all places around the site as required by condition 8 of the original approval. It was also concluded that condition 13 had not been fully complied with on the basis that the tree protection measures did not fully comply with the required British Standard. As noted above, access was not in issue in these proceedings. The discharge of condition application was referred back to the Council for determination. This remains outstanding.

5.8 The Claimant also had permission to bring a judicial review of the decision to grant the S73 application (22/03294/S73). The judicial review was robustly defended by the Council and Applicant (as Defendant and Interested Party respectively) however, the Judgement quashed the decision of the Council.

Amendments during the course of the application

5.9 During the course of the application, the following additional information and amendments have been received:

- Realignment of the access point for refuse vehicle tracking in response to comments from OCC Highways;
- Substitution of house types on plots 1, 2, 4, 5, 6, 7, 8 and 9 in response to WODC

Conservation and Design Officer comments;

- Updated landscaping proposals to include a woodland planting block;

Amended Ecological Impact Assessment responding to the changes to the landscape proposals and a Landscape Ecological Management Plan has been prepared to support the application.

- Amended Site Layout;
- Coloured Layout;
- Materials Plan;
- Means of enclosure plan;
- Surface materials plan;
- Construction Environmental Management Plan (CEMP);
- Storey Heights Plan;
- Refuse Strategy Plan;
- Charlbury House type Pack;
- Charlbury Street Scenes;
- Landscape Layout;
- Design and Access Statement;
- Tracking Plans (1-3);

- Amended Ecology Report and recalculated Biodiversity Net Gain (BNG);
- Amended Energy and Sustainability Statement;
- Updated Transport Statement;
- Updated Flood Risk Assessment;
- Acoustic Assessment; and
- Landscape Visual Impact Assessment (including appendices of plans, Photos and Wireframes);

5.10 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
- Affordable Housing/Housing Mix
- Layout, Design and Scale
- Impact on Landscape/Setting of Cotswolds National Landscape (AONB)
- Impact on Heritage Assets
- Highway Impact and Pedestrian Accessibility
- Residential Amenity/Noise/Air Quality
- Flood Risk/Drainage/Water Supply
- Ancient Woodland/Trees/Biodiversity
- Sustainability/Climate Change
- S106 Contributions

5.11 Each of the above considerations are fully considered in the following sections of this report.

Principle of development

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

Development Plan Policies

5.13 Policy OS2 of the Local Plan sets out the overall strategy on the location of development for the District. It adopts a 'hierarchical' approach, with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out in Policy OS2.

5.14 Charlbury is identified as a rural service centre in the Local Plan. Nevertheless, this site lies outside the village, within the open countryside and Policy H2 sets out that new dwellings will only be permitted where they comply with the general principles set out in Policy OS2 and in certain circumstances including, inter alia, where there is a specific local need that cannot be met in any other way.

- 5.15 Policy BCI sets out that within the Burford-Charlbury sub-area the focus of new development will be in Burford and Charlbury and that these towns are relatively constrained by their AONB locations so are suitable for a modest level of development. It goes on to state that development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. The Local Plan recognises that housing affordability is a key issue in Charlbury.
- 5.16 Policy CHI of the Charlbury NP supports a modest level of new housing where it helps to reinforce the existing role of Charlbury as a rural service centre. Development is supported on sites within and adjacent to the built-up area. It specifically identifies that the station complex and the Rushy Bank development (15/03099/FUL) are not regarded as part of the built-up area for future planning purposes.
- 5.17 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d) 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;
 - e) Conserve and enhance the natural, historic, and built environment; and
 - f) Be supported by all the necessary infrastructure.
- 5.18 Policy H2 sets out that 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.
- 5.19 The application site sits next to an enclave of industrial development and Charlbury Railway station. It comprises undeveloped land which adjoins the built-up area where Policy H2, as detailed above, requires that convincing evidence is needed to demonstrate that the development is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and accords with other policies of the Local Plan, in particular the general principles in Policy OS2. The issue of housing need and the distribution of housing is dealt with in detail below.

5.20 The National Planning Policy Framework (NPPF) (2024) 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.

5.21 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 Framework that protect areas or assets of particular importance provides a strong 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 Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

5.22 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (as identified in footnote 8).

5.23 Where policies are considered 'out of date', planning permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposal; or, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole. The NPPF 2024 version further notes that this should have particular regard to 'key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

5.24 The Site is within the Cotswold National Landscape. Paragraph 11 d) i) at footnote 7 identifies that the AONB and 'irreplaceable habitats' are considered to be areas or assets of particular importance where the NPPF provides specific paragraph regarding protection of these areas.

5.25 In relation to the National Landscape paragraph 189 notes that great weight should be given to conserving or enhancing landscape and scenic beauty and that the extent of development in these areas should be limited. Paragraph 190 outlines that major development in these areas should be refused other than in exceptional circumstances.

5.26 The site is adjacent to Ancient Woodland which are identified as irreplaceable habitats. In this context paragraph 193 c) notes that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons, and a suitable

compensation strategy exists. 'Exceptional circumstances' are identified in footnote 70 of the NPPF as including schemes where the public benefit would clearly outweigh the loss or deterioration.

- 5.27 Both of these matters will be considered further in the relevant sections of this report.
- 5.28 Residential development has previously been approved on this site and the history of the site is an important material consideration in the determination of future applications. In this regard, a key consideration is whether there are any material changes in planning circumstances since the consideration of the previous application when compared to the current application. The previous approval (15/03099/FUL) was considered in the context of the previous Local Plan which was less permissive in relation to the location of dwellings. The Officer's report for the previous determination identified that the Local Plan at that time (the 2011 Local Plan) generally resisted greenfield development beyond settlement boundaries. The report also indicates that this site is considered to be in an edge of settlement location. The context is therefore that the previous approval (15/03099/FUL) was considered acceptable in planning terms in circumstances where policy was less favourable to development of this type.
- 5.29 As concluded by the Council in the previous approval, the site is considered to be on the edge of the settlement and constitutes previously undeveloped land. In these locations the provision of new dwellings will be supported where it is proposed to meet identified housing needs and where the proposal complies with other policies of the Local Plan.
- 5.30 The Council is currently unable to demonstrate a deliverable five-year housing land supply (HLS), and officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.
- 5.31 It is established that the District Council has a general housing need which needs to be met throughout the District. Whether or not the LPA can demonstrate a five year land supply, the provision of dwellings in sustainable locations (subject to other considerations) should be supported by the Council and this is reinforced in paragraph 11 d) of the NPPF. The Local Plan identifies no housing allocations in Charlbury partly due to the location of the settlement within the National Landscape. This does not however, mean that there is no housing need within these areas.
- 5.32 The application site provides for 57% affordable housing. Consultation with the Council's Housing Officer (HO) has identified that there is a significant demand for affordable housing within the Charlbury Area and the Charlbury Neighbourhood Plan (CNP) identifies a need for 23 affordable homes.
- 5.33 There are over 1,900 applicants registered on the Council's waiting list and of those, 101 applicants have expressed a preference of a dwelling in Charlbury and 43 of those already live in Charlbury. There are therefore over 100 applicants who are in need of affordable housing in Charlbury, eight of which need solely ground floor accommodation or access to a lift. The provision of 21 dwellings as affordable units in this location would go some way to addressing the affordable housing needs of the local community. Furthermore, the proposals would provide dwellings for those who have specialist housing needs in the forms of the bungalows proposed.

5.34 As such, it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a strong reason for refusing the development proposed. These issues are considered in more detail below.

5.35 An assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

Impact on Landscape/Setting of Cotswolds National Landscape

5.36 The site is located within the Cotswolds National Landscape along with the totality of the Charlbury and Burford Sub Area. In this regard, policy EH1 of the Local Plan, Policy NE1 of the CNP and paragraph 189-191 of the NPPF are of key consideration. Essentially each of these policies set out the same considerations those being that great weight should be given to the conserving and enhancing the area's natural beauty and that major development within the AONB should only be supported in exceptional circumstances.

5.37 The Officers report relating to the previous approval (15/03099/FUL) for development on this site (also for a total of 37 dwellings) did not consider that the proposed development constituted major development. The officers report noted that: 'it is open to the Local Planning Authority to conclude, as a matter of planning judgement that the development is not major development in the AONB [now National Landscape]. Your officers consider that it would be reasonable to conclude that a development of this scale and form, proposed in the context of a site where its impact is constrained by landform, built form and vegetation is not major....' Whilst the minutes of the Uplands Planning Area Planning Sub-Committee in December 2017 indicate that there was some discussion on this matter there is no indication that the Sub-Committee took a different view.

5.38 A new Landscape Visual Impact Assessment (LVIA) has been submitted as part of the current application which carries out a full landscape and visual impact assessment in line with industry guidance. The Assessment considers various viewpoints, receptors and impacts and it concludes: 'Situated in a local valley feature, and enclosed by surrounding boundary vegetation and woodland, the proposed development would have a limited visual envelope. There would be a minor effect on the views experienced by walkers along public rights of way in the National Landscape at construction which would have reduced to Negligible following the establishment of the new tree planting (10 years post completion). Motorists near the site would have more open, closer range views of the development, but these would be fleeting, seen in context with existing urban influences and by receptors recognised as having a reduced sensitivity. There are likely to be glimpses of the proposed development from upper storey windows of occasional properties within the conservation area, on the opposite side of the valley, however these would be seen in context with the existing built up area and Forest Road Works. The landscape structure would take time to establish, but proposed trees would reach a similar height to the eaves of proposed houses after 10 years and would increasingly soften built form'.

5.39 Notwithstanding the fact that the impact of the proposed development on the National Landscape is considered limited, even the provision of major residential development in the National Landscape can be considered acceptable where exceptional circumstances are demonstrated. Paragraph 190 of the NPPF sets out a series of criteria which should be considered in the context of major development in the AONB. These criteria are set out within the Planning Statement and

additional justification for meeting the test of 'exceptional circumstances' is provided by the applicant as follows.

- 5.40 The provision of homes in the local economy will support local employers by retaining a local population for jobs. The retention of generally younger households in the local area will also support the vitality of the community maintaining a range of services and facilities which may not be maintained with an aging population. It remains the case that the provision of this development would have positive impacts in relation to the national drive for the provision of housing, the local need for development and the local economy.
- 5.41 Given that the majority of this sub-area is within the National Landscape the opportunities for providing housing and affordable housing to meet the needs of households in Charlbury is non-existent. To gain affordable housing in the context of no allocated sites windfall development would need to be relied upon. The Council's waiting list identifies 100 households wishing to access affordable housing in Charlbury which, would not be met through the rate of windfall sites which have come forward in the sub-area or specifically Charlbury. Simply, meeting the need of households in need in Charlbury, by providing them with a home in the area in which they have local connections, is not possible without the allowance of development within the AONB.
- 5.42 Of consideration in this context is the Called in Appeal Decision relating to Appeal APP/M2270/V/21/3273015 within which the Secretary of State agreed with the Planning Inspector conclusions who outlined that 'When assessing whether there are exceptional circumstances in the context of para 177, the relevant legal authorities indicate that, while it is not a conventional balancing exercise, all of the benefits of the development in question can be taken into account, each benefit does not have to be exceptional alone and nor do they have to be unlikely to occur in a similar fashion elsewhere' (Paragraph 800). Further, stating that: 'I would stress that this conclusion is not just a consequence of unmet housing need. Rather it is a unique combination of factors including market and affordable housing need, there being no adopted strategy to fully address current and on-going housing need, uncertainty over when, if and in what form the eLP might be adopted, the constrained nature of the Borough and the apparent lack of available alternative sites, and the limited extent and degree of harm that would arise from the proposed development. It is these matters, combined with the other identified benefits that would be delivered, that come together to form the exceptional circumstances required to justify this proposed development in the terms of para 177 of the Framework' (Paragraph 813).
- 5.43 It is considered that the proposed development, with the amended form and the proposed landscaping scheme ensures that the impact is moderated to such an extent that the development would not have any significant impact upon the wider National Landscape.
- 5.44 The scheme proposed as part of this application, proposes the same number of dwellings, albeit in a different arrangement and a lower form of development to the previously approved scheme. The design, form, scale, and massing of the dwellings is more appropriate to a setting on the edge of a Cotswolds settlement and the height of the development has been reduced. A number of benefits will arise from the scheme, not least the provision of a number of forms of housing, including affordable. On this basis, the site remains contained and the same conclusions can be drawn in relation to the landscape impact and the benefits arising from allowing the development, are considered sufficient to constitute exceptional circumstances.
- 5.45 The 2023 Levelling Up and Regeneration Act (LURA) further strengthened the requirement for National Landscapes to be conserved. Coming into force on the 26 December 2023 the LURA

placed a duty on relevant authorities to 'seek to further' the statutory purposes of protected landscapes which are "conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated"; and "promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public". The Guidance relating to this requirement published in December 2024 notes that regard should be had to the Management Plan of the protected landscape in the consideration of development proposals.

5.46 In this regard, the Cotswold National Landscape Management Plan 2025-2030 is the key document. The special qualities of the Cotswold National Landscape (CNL) are noted as the 'rich mosaic of historical, social, economic, cultural, geological, geomorphological, and ecological features.' These are noted as including; large, open, and predominantly farmed landscape, ancient broadleaved woodlands, tranquillity from major sources on inappropriate noise, extensive dark skies, distinctive settlements developed in a Cotswold vernacular and an accessible landscape for quiet recreation for both urban and rural users.

5.47 The proposed development is located on a contained area of land which has no significant prominence on the wider area and does not erode the large, open landscape. The proposed development has also been designed to minimise light spillage in the area of dark skies. Whilst this is the case, the landscaping proposals which support the scheme include areas of large broadleaved woodland planting, contributing to one of the distinctive elements of the landscape. Alongside this grassland areas will be provided further contributing to distinctive habitats in the area. The proposed development will provide improvements to footpaths in the vicinity to provide better access for urban residents to access the network of public footpaths in the CNL. The vernacular design of the dwelling reinforces the traditional building traditions of the Cotswolds area. It is acknowledged that the scheme will change the character of this small area of land however, it is considered that the detail of the design and the considerations of the local landscape character in the landscape design have sought to further the special interest of the Cotswold National Landscape as required by the LURA.

5.48 The Cotswold National Landscape Board (formally the Cotswolds Conservation Board) (CNLB) have raised a holding objection to the proposal requesting additional information be provided to allow a more thorough assessment of the potential impacts of the proposal on the Cotswolds National Landscape and to aid in an assessment of whether or not exceptional circumstances exist, and the development would be in the public interest. This includes the following:

- Further justification for the exceptional circumstances case demonstrating that the development would be in the public interest; and
- An updated Landscape and Visual Appraisal (LVA) that assesses the impact of the development on pedestrians from a number of viewpoints within the town, particularly on Forest Road/ Dyers Hill and Grammar School Hill and includes wintertime imagery of the viewpoints.

5.49 The applicant has provided the above information, and the Council have re-consulted CNLB on this and await their response. Any further comments received from CNLB, will be reported to Committee.

5.50 In conclusion, the proposed development would encroach into the rural landscape and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural appearance and character of the landscape, although, it is recognised that in the longer term, its impact could be mitigated through appropriate landscaping to reduce its visual impact. Nevertheless,

the proposal would result in landscape harm, and this is a matter that must be given great weight and put into the planning balance to weigh against the proposal.

- 5.51 Overall, it is concluded that the proposed development would not give rise to any long term significant harm on the receiving landscape character of the site, and it is therefore compliant with the relevant landscape policies. Overall, the proposed development is considered to comply with policy EH1 of the Local Plan, policy NE1 of the CNP and the exceptional circumstances tests set by paragraph 180 of the NPPF are met.

Affordable Housing/Housing Mix

- 5.52 Policy H3 of the Local Plan sets out the Council's requirements in relation to affordable housing. It identifies that, in Charlbury which is within the medium value zone, the affordable housing requirement is 40%. Similarly, Policy CH2 of the Charlbury NP supports the provision of affordable housing with particular support for proposals which address the specific affordable housing needs identified in the NP. The NP identifies that additional provision specifically intended for the elderly may also be appropriate. Policy CN3 also supports the provision of lower-cost housing.

- 5.53 The application proposes 37 dwellings which would equate to an affordable housing provision of 14.8 units. The current application proposes 21 affordable dwellings on site equating to a 57% provision of affordable housing surpassing the requirements of the Local Plan.

- 5.54 As part of this provision consultation has been undertaken with the Council and OCC in relation to the forms of housing required in lieu of the former dementia care proposal. At the time of the previous application (15/03099/FUL), dementia care was thought to be best provided within the care home environment however, this position has changed. Consultation revealed that the local care need is for individual bungalows which allow for care to be delivered in the home. The bungalows provide a flexible use for people with varying needs. The previous application proposed a 12 bed care facility, and this application replaces that with seven assisted living bungalows which will be secured by s106 to be retained in perpetuity to meet the care needs of the area.

- 5.55 The previous application (ref. 15/03099/FUL) proposed 7 of the dwellings to be provided as affordable rented units with a further 6 proposed as discount market housing. Since that application was made the Government introduced the provision of 25% of affordable dwellings as first homes, however, this requirement has been removed in the latest version of the NPPF following the Labour Government coming to power.

- 5.56 Following this change discussion has been undertaken with the HO to determine which forms of affordable housing they would require at the site. They have confirmed that the preference for the affordable homes provided as part of the application would be for Social Rent as that is where the greatest demand will be. On this basis the application proposes the provision of 21 affordable units (15 social rented; and 6 affordable discount market housing) which equates to 57% affordable housing exceeding the requirements of the Local Plan in terms of affordable housing. The provision of the discount market housing also provides lower cost housing which accords with policy CH3 of the CNP. The affordable houses are located on the eastern part of the site.

- 5.57 In addition to the above, the proposed development provides specific need housing in the form of bungalows. The bungalows are provided instead of the dementia specific care home previously approved. Policy H4 of the Local Plan notes that development proposals should meet the needs of a range of different groups identifying older people and those with disabilities in particular. The assisted

living bungalows provided as part of this application can cater for the needs of a greater range of people in need of specialist accommodation. The policy notes that the provision of specialist housing for those with disabilities will be supported in accessible sustainable locations. The proposed development lies approximately 700 metres from the town centre of Charlbury and approximately 350 metres from the Railway Station which provides onward access to Oxford, London, and Worcester. Furthermore, the provision of bungalows rather than a specific care home means that the accommodation is flexible and can be used to cater for a number of groups rather than solely for specific dementia care.

5.58 Policy H4 of the Local Plan seeks to provide a good, balanced mix of property types and sizes. Policy CH6 of the CNP advises 'All new development (except affordable rented housing) should provide the following mix of dwelling sizes: at least 40% 1-2 bedrooms; approximately 40% 3 bedroom homes and no more than 20% 4+ bedroom homes; 5+ bedroom homes will only be supported where a specific local need can be demonstrated' and policy CN7 which deals with affordable rented housing supports development proposals for affordable rented dwellings which include the provision of dwellings which have been designed to cater for the specific needs of the aging population of the town and/or people with disabilities where this approach is evidenced by the most up-to-date information available. Policy CN10 of the CNP supports in principle development that meets the particular needs of older people and those with disabilities currently living within the parish or with local connection to the parish.

5.59 The submitted Planning Statement sets out that a mix of sizes from 1-bedroom to 4 -bedroom dwellings are proposed. The specialist accommodation is provided as seven one bedroom bungalows. This mix together with the affordable housing mix on the site would provide an appropriate mix of smaller and larger size dwellings.

5.60 The proposed development overprovides for affordable housing allowing access to a wide range of affordable products meeting the needs of a range of people. The scheme also provides for a specific form of housing to meet the needs of older persons and those people with disabilities who need access to specific care requirements. The affordable housing will be retained in perpetuity via a s106 with an appropriate mechanism for nominations for both the specialist and general affordable housing. The scheme also provides for 12 custom build properties (32% of the total), and these will also be secured in the same way through a s106. at the site. The proposal is therefore considered to comply with policies H2, H4 and H5 of the Local Plan and the housing policies of the CNP.

Layout, design, and scale

5.61 Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan and policy HE2 of the CNP reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide and the CNP contains Design Guidance (Appendix C).

5.62 The Council's Design and Conservation Officer notes that of the 37 dwellings proposed, most flank a road running along the mid-height contour, although with a spur running to the higher ground to the south-west -and pretty much following the constraints imposed by the shape of the site. There are garages to the market houses, with parking spaces generally set beside and between the other

properties. The general layout is roughly similar to that approved under 15/03099/FUL with dwellings also now located on the most prominent highest ground as per the previous permission.

- 5.63 There is a range of house designs, which are now considered to be acceptable in design and appearance. The layout of the revised scheme is broadly similar, but the primary road is now curved, with radial positioning of the buildings. This gives a more natural fit for the contours and could create a little more interest. The houses now have simpler massing and simpler elevational treatments - and they are now more securely rooted in the typical neo-vernacular.
- 5.64 The submitted PS advises that the layout of the site stems from the main spine road running north to south off of Forest Road. The orientation and layout of buildings have been designed to create active street frontages with gardens either; backing onto each other or facing green infrastructure or site boundaries. A five metre buffer is provided to the ancient woodland to the west of the site and the built form of development is a minimum of 15 metres away from the boundary with the woodland.
- 5.65 In terms of the location, this site lies in open countryside and adjoins an enclave of development adjacent to the railway station. The proposed development would form a logical complement to the existing pattern of development and the character of the area in accordance with Policy OS2.
- 5.66 The proposed development has been designed to respect the character and appearance of the wider area. The simple layout is set back from Forest Road allowing the provision of generous planting at the road frontage to the site. The layout will work with the changing levels of the site providing a staggered development which steps into the valley side ensuring that the development assimilates with the rising ground levels.
- 5.67 The scale and massing of the dwellings individually are characteristic of the local vernacular including narrow gabled forms and steeply pitched roofs. The height of the dwellings have been minimised through ensuring the eaves sit close to the lintols for the upper floor windows and the scheme includes exposed eaves which are all traditional features of the local vernacular.
- 5.68 A variety of house types will be utilised to reflect the varied character of street scenes within Charlbury. Varied roof forms are proposed but with generally flat fronted forms and simple elevations. Guidance from the Council's Design Guide has been utilised to inform the character of the dwellings.
- 5.69 A traditional palette of materials will be utilised to assimilate the development with the local context. The proposed development is considered to pay regard to the Council's Design Guide and will provide a high quality development.
- 5.70 The Thames Valley Police - Designing Out Crime Officer has raised no objection to the proposal subject to conditions relating to Secured by Design accreditation, defensible space and planting and lighting as suggested being attached to any permission granted.
- 5.71 Given the above, it is considered that the proposed development is appropriate to the character and appearance of the area, would provide high quality design and would complement the character and form of dwellings in the locality. The scheme is considered to be in accordance with policies OS2 and OS4 of the Local Plan and policy HE2 of the CNP.

Impact on Heritage Assets

- 5.72 The site lies to the west of the Charlbury Conservation Area (CA) and the nearest listed building is the main station building which is Grade II listed. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Relevant Policies of the Local Plan and Charlbury NP reflect these duties.
- 5.73 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 212 of the NPPF advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 213 and 215).
- 5.74 The submitted Planning Statement states that whilst the proposed development will impact upon the setting of these heritage assets the level of harm is considered to be on the lower end of the less than substantial scale of harm. The NPPF requires great weight to be given to the conservation of heritage assets. In this case the minimal incursion of development into the setting of these assets is considered to give rise to less than substantial harm and that the level of harm is at the lower end of that scale. In line with paragraph 215 of the NPPF it is considered that the public benefits of this scheme, not least the provision of housing to meet West Oxfordshire's identified need (noting that the site is already contained in the trajectory for delivery over the next five years) but also the provision of specialist housing to support older or disabled people to remain living in their local communities and the provision of affordable housing to allow a range of people to obtain access to a house of their own, demonstrate significant public benefits which outweigh this very limited level of harm.
- 5.75 Charlbury Conservation Area Advisory Committee object strongly to the proposed development on the grounds of its negative impact on the setting of the Charlbury Conservation Area and consider that the public benefit of the proposed development did not outweigh the detriment to the landscape in this case and that a similar benefit in terms of affordable housing could be achieved in another, less sensitive, location.
- 5.76 The Conservation and Design Officer (CDO) has commented that the Evenlode valley is a crucial feature of the CA, both in terms of its strong riparian character, and also in the way it has largely contained the built development of the settlement to its eastern side. He notes that the current site sits on the western side of the valley, on rising ground. The CDO considers that the proposed development will make a very significant impact upon the CA, carrying the built form well beyond the historic pattern of development, and also compromising the special quality of the river valley. It is Officer opinion that the impact on the setting of the CA would amount to 'less than substantial' harm.

5.77 Paragraph 215 of the NPPF advises 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 including, where appropriate, securing its optimum viable use. In this respect it is considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with provision of specialist housing to support older or disabled people, footpath improvements, biodiversity enhancements and economic benefits associated with job creation and the construction phases would outweigh the less than substantial harms arising in this case.

5.78 In terms of archaeology, the County Archaeological Officer has commented that an archaeological field evaluation was carried out on the site as part of a previous application (ref: 15/03099/FUL). This was undertaken in line with an approved written scheme of investigation by Cotswold Archaeology. The evaluation did not identify any significant archaeological features. A linear feature or ditch contained some fragments of pottery that are dated from the eleventh to the thirteenth centuries AD. The application area appears to have lain outside any settlement within an area agricultural cultivation. No further archaeological investigation is required and there are no further archaeological constraints to the development of this site.

Highway Impact and Pedestrian Accessibility

5.79 Policy T1 of the Local Plan states that priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. And that, all new development will be designed to maximise opportunities for walking, cycling and the use of public transport. Similarly, Policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport and that where opportunities for walking, cycling, and using public transport are more limited, other measures will be sought to help reduce car use as appropriate. The NP also reflects these objectives.

5.80 The application proposes a total of 37 dwellings which is the same number of units as the previously approved scheme which was considered acceptable in relation to highways. Notwithstanding this, the mix of properties is different with individual assisted living bungalows being provided instead of a care home and on this basis a new Transport Assessment (TA) has been prepared.

5.81 The application plans show that all two storey properties are served by a minimum of two parking spaces and single storey properties are served by one parking space. Since approval of the previous application the County Council has adopted new parking standards. These require the provision of up to one parking space per one-bedroom dwelling, up to two spaces for two, three and four bedroom dwellings and up to three spaces for properties with more than five bedrooms. The proposed development accords with these standards.

5.82 The TA outlines the impact of the development upon the local highway network. The TA notes that there are no outstanding highway safety issues on the surrounding network and improvements are proposed as part of the application to enable a safe environment. It also outlines that the anticipated trip generation from the site would not have a detrimental impact on the operation or safety of the local highway network.

5.83 The site is to be accessed via a new priority access T-junction, with the proposals also including the extension of the 30mph speed limit along Forest Road to the west of the site access, and the

introduction of both dragon's teeth road markings and a 30mph speed roundel. This is a similar arrangement which was proposed for the previous application at the site (15/03099/FUL). At the request of OCC Highways, the access to the site has been widened to ensure that the large refuse vehicles used are able to enter and leave the site without unacceptable impact upon Forest Road. OCC Highways have verbally confirmed that they consider these access arrangements to be appropriate for the residential development, with the minimum required visibility splays being achieved and the Council currently await their written response to confirm this.

5.84 In addition, minor changes have been made to the internal road layout and turning heads to ensure that refuse vehicles and fire tenders can move through the site and turn without harm to the safety of other road users, also at the request of OCC Highways. With these changes the TA concludes that there are no highways reasons why the development should not be permitted. A Road Safety Audit has been completed and the comments addressed as part of this submission.

5.85 The proposals also include improvements to the footpath which would connect the development with Charlbury station and Charlbury town centre. The improvements include the widening of footpath on the northside of Forest Road, the formation of a footpath to the southside of Forest Road and the formation of dropped kerbs and tactile paving. The proposed improvements are the same as the previously approved application at the site (15/03099/FUL) and are accepted by OCC Highways.

5.86 In considering the previous scheme for residential development on this site it was recognised that the site lies in close proximity to one of the more sustainable settlements in the district. It adjoins one of the few railway stations and there is ready pedestrian access to the village centre with its range of facilities and amenities. There is already an enclave of development adjoining the railway station and in terms of actual distance the main body of the village is much closer to this site than sites which physically adjoin the settlement on other sides of the village. In that regard the Evenlode has curtailed the "natural" expansion of the village on this side that would have occurred over the years were it not for the floodplain constraints. In a practical sense it is however considered to be sustainably located.

5.87 Given the sustainable location with access to facilities and services and the availability and frequency of public transport services within the area and having regard to the conclusions of the TA it is considered that the proposed development would be in accordance with policies T1 and T3 of the Local Plan.

5.88 The application also proposes an electric vehicle charging point to be made available for all dwellings with a private drive and as such, the proposal also accords with policy ECT12 of the CNP.

Residential Amenity/Noise/Air Quality

5.89 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 135 sets out, inter alia, that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.

5.90 In terms of layout and impact on neighbouring residents, given the orientation, separation distances and existing landscaping, there will not be an adverse impact on the amenity of neighbouring residents in respect of overlooking, loss of daylight/sunlight and overbearing issues. Similarly, the proposed relationship between the new dwellings is considered to be acceptable.

- 5.91 With regard to contaminated land and potential risk to human health, the Council's Environmental Health Contamination recommends that a desk study and if required, a remediation scheme be secured by condition and this can be applied.
- 5.92 In terms of noise, the amended application is accompanied by an Acoustic Assessment report following concerns originally raised by the Council's Environmental Health Noise Officer. The report outlines that the external layout follows good acoustic design and does not require any special measures in terms of noise attenuation. It also identifies that for a small number of plots enhanced glazing and acoustically attenuated trickle ventilators will be required. The report concludes that with the mitigation measures outlined the site is considered suitable for residential development from an acoustic perspective. The Council's Environmental Health Noise Officer concurs with these findings and has raised no objection to the revised proposal.
- 5.93 With regards to air quality, the ERS Environmental Protection Officer has no objection in principle and welcomes the inclusion of photovoltaics, cycle storage and electric vehicle charging (including e-bikes and scooters) in each property and proposals to improve the pedestrian footpath from the site to Charlbury itself. It is noted however, that there is little in the proposal to encourage cycling into the town and encourages the provision of facilities such as cycle storage where possible.

Flood Risk/Drainage/Water Supply

- 5.94 The site is located within Flood Zone 1 for fluvial flooding meaning it is at the lowest risk of flooding, furthermore the site is not in a risk area for surface water or reservoir flooding. Drainage for the approved scheme was approved by OCC as Lead Local Flood Authority (LLFA) as part of a discharge of conditions application associated with the previously approved scheme. The drainage scheme is based around Sustainable Drainage principles and includes the provision of a surface water drainage attenuation pond which will have a controlled release into the adjacent watercourse.
- 5.95 Policy EH7 of the Local Plan relates to water and flood risk. It highlights that all developments should use sustainable drainage systems to manage run-off and support improvement in water quality. It also requires a site specific flood risk assessment for all development with a site area over 1 hectare. Similarly, Policy NE8 of the CNP notes that development should utilise sustainable drainage systems to reduce run off rates from new development and should not result in increased surface water run-off elsewhere.
- 5.96 A flood risk assessment (FRA) and a drainage strategy for the site have been submitted in support of the application. The FRA demonstrates the site is not subject to flooding and confirms that the proposed drainage strategy would enable the surface water discharge from the site to be no more than that of the greenfield discharge rate. This will be managed through the provision of a water attenuation pond which will have added benefits in terms of water quality and for the water release from the pond to be controlled through a hydro brake into the adjacent watercourse. Ground investigation has demonstrated that infiltration direct to the ground is not suitable on this site due to the impervious nature of the ground conditions. The proposed drainage strategy follows the hierarchy and utilises the most suitable strategy for the site.
- 5.97 The foul discharge from the proposed development will be fed to the nearby pumping station for connection to the mains sewer. Thames Water has advised that they would not have any objection to the planning application, based on the information provided.

5.98 The Lead Local Flood Authority has raised no objection to the application subject to surface water drainage conditions.

5.99 As such, the proposed development complies with national and local planning policy with respect to flood risk and drainage and the risk of flooding is adequately managed, and the offsite flood risk is not increased.

Ancient Woodland/Trees/Biodiversity

Ancient Woodland

5.100 The site is located adjacent to an area of Ancient Woodland. Policy EH3 of the WOLP identifies that proposals should minimise the impact on biodiversity and should avoid the loss, deterioration or harm to sites supporting irreplaceable habitats except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm. Paragraph 193 of the NPPF similarly advises that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

5.101 The legal challenge to the CND application, detailed above, was partly related to the impact of the scheme on the Ancient Woodland and required buffer. NE refer to their Standing Advice on Ancient Woodland which advises that 'For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area).' The previously permitted schemes required a 5 meter buffer, following consultation with the Council's Biodiversity Officer. Nevertheless, the details submitted failed to achieve this buffer and the legal challenge succeeded on the ground that the approval of the plans did not account for the impossibility of achieving the 5 meter buffer.

5.102 In this case the ancient woodland has been dominated by hybrid black poplar for 70 years and currently has no natural tree cover as the poplar crop has recently been removed, although some of the poplar stumps are now regenerating. There is therefore no rooting area to protect as there are no trees.

5.103 Submitted in support of the application is an Ecology Assessment (EA) which has undertaken a condition survey of the Ancient Woodland and sets out an assessment of the impact of the development upon the Ancient Woodland. This report outlines that the proposed development, which includes a five metre buffer would have a very limited direct impact upon the Ancient Woodland. As part of the appendices to the Ecology Assessment the ecologist has provided a robust consideration of the potential direct and indirect impacts which may give rise to harm to Ancient Woodlands which supports this conclusion.

5.104 Furthermore, in addition to the assessment of the direct and indirect impacts the report also includes an assessment of the scheme in comparison to the guidance set out by Natural England and the Forestry Commission.

5.105 On the basis of the submitted report, it is concluded that there will be minimal direct or indirect impacts of the development upon the Ancient Woodland. The proposed development therefore does not cause any loss of Ancient Woodland, and the minimal levels of direct and indirect impacts ensure the proposals will not give rise to significant deterioration.

- 5.106 Notwithstanding this, the application proposal does provide for some mitigation in relation to the woodland. The proposed development will be set away from the edge of the woodland by five metres (beyond the existing ditch) through the provision of a buffer area which will be separated from rear gardens by means of enclosure. The proposed dwellings will then be set a further ten metres away from the rear boundary. The five metre buffer area will be planted to provide valuable habitat to protect the Ancient Woodland. In addition, a new area of woodland is to be provided to the north of the existing woodland. This will provide for complimentary planting to the existing woodland and would relate well to woodland blocks within the vicinity of the site. Appendix 3 of the updated ecological report outlines a step by step consideration of the Natural England Guidance on the provision of development and ancient woodlands.
- 5.107 The Natural England Guidance outlines that the size and type of buffer area should vary depending on the scale and type of development and its effect on the ancient woodland and the character of the area. In this instance the Ecology Assessment prepared by BSG outlines that the five metre buffer, due to the nature of the woodland, the undeveloped nature of land to the north and the existence of the land level changes and drainage channel between the site and the Ancient Woodland is sufficient to offer protection to its special qualities.
- 5.108 The Natural England Guidance regarding buffer zones is acknowledged as is the 15 metre figure quoted by that guidance. Importantly the guidance notes that this recommended 15 metres is in relation to the protection of root protection areas of trees. There are two facts to consider here. Firstly, that the trees in the Ancient Woodland were a crop of poplar trees which have recently been felled and secondly, the existence of the steep ditch between the woodland and the application site limits the extent of root growth towards the application site. Arboricultural advice has been taken in relation to the implications of the development for root protection areas. The advice notes that given the absence of trees in the woodland the proposed development would have no impact upon the root protection areas of any trees. Furthermore, even if trees were present within the woodland the root systems for those trees would be very unlikely to have spread to the application site given the presence of the deep ditch between the two sites.
- 5.109 Also to be factored in is the proposed restocking plan for the woodland. This restocking plan proposes a hedge bordering the boundary with the application site, a small strip of open space and then shrub planting before the proposed woodland replanting begins (see Figure 2). This provides approximately 10 metres of land between the woodland trees and the development site. Including this land would mean there is 15 metres between the proposed new woodland planting and the beginning of the gardens serving with the proposed dwellings.
- 5.110 The CNLB also remains concerned with the proposed proximity of development to the Ancient Woodland. They also note that the area between the 5m buffer zone and the 15m standoff limit appears to include a number of residential gardens, parking spaces and patio areas, which would appear to be contrary to Natural England's Standing Advice which states "You should not approve development proposals, including gardens, within a buffer zone". It is recommended that no residential curtilages should be permitted within the 15m standoff zone.
- 5.111 CPRE does not consider that the EA's assessment of biodiversity net gain takes into account the increased damage to the ancient woodland through human and domestic pet encroachment.
- 5.112 The Council's Biodiversity Officer has raised no objection to the proposal in relation to impact on the ancient woodland and has suggested appropriate conditions relating to ecology, biodiversity,

boundary treatment and Construction Environmental Management Plan as suggested being attached to any permission granted.

- 5.113 The Natural England Guidance identifies that the buffer zone provided for any development should contribute to the wider ecological networks and be part of the green infrastructure for the areas. It should also consist of semi natural habitats such as a mix of scrub, grassland, heathland, and wetland establishing habitat of local and appropriate native species. It is not intended that the buffer zone with the woodland will be accessed and for this reason it will be separated from the rear gardens by a means of enclosure and managed by the management company responsible for the public areas of the wider development.
- 5.114 The application proposes a significant woodland block to the north of the existing woodland as part of to provide connection to and enhancement of the setting of the Ancient Woodland and connection to other habitats in the near vicinity. The buffer zone and hedgerows around the site, which will be retained, will provide connection to the Ancient Woodland and the open countryside which sits to the north of the site (beyond the woodland block).
- 5.115 On this basis, whilst the guidance of Natural England is acknowledged, the specific nature of this site and the expert opinions of the ecologist and arboriculturist mean that, in this instance, a lesser buffer of 5 metres is appropriate. All physical development is maintained at least 15 metres away from the edge of the woodland. The proposal would not lead to any loss or deterioration of the woodland and the applicant will enter into a s106 legal agreement requiring a management company to be set up to maintain the buffer areas and wider landscaping proposed as part of the development to ensure that this is maintained appropriately in perpetuity.
- 5.116 Using the Natural England Guidance hierarchy of Avoid, Mitigate and Compensate the proposed development avoids direct impacts on the woodland by providing a suitable offset considering the context of the site. It mitigates any minor impacts by the provision of ecological planting and an additional 10 metres where there is no development. The proposal provides compensatory planting in addition with an area of new woodland, enhancing the setting of the woodland. Given the above it is considered that the proposed development complies with policy EH3 of the Local Plan 2031 and has due regard to paragraph 186 of the NPPF and the relevant guidance produced by Natural England.

Trees

- 5.117 Policy EH2 of the Local Plan identifies that development proposals should conserve and where possible enhance the intrinsic character and quality of the local landscape. Similarly, policy NE5 of the CNP seeks to protect trees (biodiversity is covered elsewhere).
- 5.118 A Tree Constraints Plan, Arboricultural Impact Assessment (AIA) and a tree retention and protection plan have been submitted in support of the application. The submitted AIA identifies the trees around all of the boundaries of the site and the root protection areas for each of those trees. A key arboricultural constraint relates to the southern boundary where an oak tree is located which has a large root protection area. The AIA identifies that with suitable tree protection measures during construction and given the offset from the trees in the completed development the proposed development would not have an adverse impact upon the health and stability of trees.
- 5.119 Furthermore, the provision of trees throughout the site in the subsequent landscape proposals would add to the tree stock in the locality.

- 5.120 The development has been designed so as to avoid a built form within a 15 metre buffer from the edge of the woodland as a precautionary measure and to ensure a suitable off-set from any future replacement planting within the Ancient Woodland.
- 5.121 The arboricultural information demonstrates that the proposed development would have no adverse impact upon the health and stability of any trees, nor would the proposal result in the requirement for any pruning of trees to be retained. Three trees are identified as being removed due to the current poor condition of those trees. These will also be replaced as part of future planting proposals to be secured by condition.
- 5.122 The proposed restocking plan for the woodland proposes trees no closer than ten metres from the boundary of the woodland. This, in conjunction with the 5 metre buffer area and the 10 metre rear gardens of the proposed dwellings would ensure sufficient distance between the rear of properties and the trees to protect against future pressure work lopping or felling of the trees.
- 5.123 The proposed development therefore complies with the requirements of policy EH2 of the Local Plan and policy NE5 of the CNP.

Biodiversity

- 5.124 Policy EH3 of the Local Plan requires development proposals to protect and enhance biodiversity with the requirement to achieve an overall net gain in biodiversity where possible. Furthermore, the NPPF notes that the planning decisions should contribute to and enhance the natural and local environment through minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks. Paragraph 180 of the NPPF goes on to say that is significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.125 An Ecological Assessment has been undertaken in relation to a range of species including Bat, Badger, Great Crested Newt, Water Voles and Dormice. The conclusions of the above report confirms that the proposed development would not have a significant adverse impact upon biodiversity. The proposed development would, however, provide landscaping which would contribute to the local ecological network through the provision of the woodland blocks and the buffer areas. This aligns with the requirements of policy NE5 of the CNP and the supporting text which highlights that development should enrich wildlife corridors and opportunities for new woodland planting.
- 5.126 Submitted in support of the application is a biodiversity net gain calculation which demonstrates that the resultant development will result in a biodiversity net gain of 22.06% in habitat units and a 78.34% net gain in hedgerow (linear units). As the site is adjacent to a watercourse the BNG calculation of this has been provided however, as no works are proposed in this area, the calculator confirms that the impact here is neutral.
- 5.127 On this basis it is considered that the proposed development would not have a harmful impact upon protected species utilising the site. Furthermore, the development would provide biodiversity net gain in linear and hedgerow units in excess of 10%. As such, the proposal is considered to comply with the requirements of Policy EH3 of the Local Plan and Policy NE5 of the CNP.

- 5.128 Natural England (NE) raise no objection to the application based on the plans submitted and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. NE also refer to their generic advice contained in Annex A.
- 5.129 CPRE West Oxfordshire consider that there will be more light pollution which will detrimentally affect nocturnal species of bats and invertebrates and as such light pollution will have a major adverse effect for biodiversity and dark skies.
- 5.130 The Newt Officer has commented that there is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, the Newt Officer recommends that an informative be attached to any planning permission granted.
- 5.131 The Council's Biodiversity Officer has raised no objection to the proposal subject to conditions relating to ecology, biodiversity, boundary treatment, landscaping, lighting, and Construction Environmental Management Plan as suggested being attached to any permission granted.

Sustainability/Climate Change

- 5.132 In accordance with Policy OS3 of the Local Plan, the development is required to demonstrate consideration of the efficient and prudent use and management of natural resources including minimising the use of non-renewable resources and energy demands / loss through design, layout, orientation, landscaping, materials, and the use of technology. Policy NE9 of the CNP also highlights the need for energy and water efficiency measures for new development and requires applicants to demonstrate how excellent environmental performance will be achieved.
- 5.133 The application site is located within walking distance of the town centre of Charlbury with access to a small supermarket, post office, public houses, and restaurants. The town is served by a local doctors surgery and dental practice and there is a primary school. All of these indicate that the majority of day to day activities could be served within walking distance of the development.
- 5.134 In addition, the town is served by a train station, also within walking distance of the site. This provides the town with an hourly service with connections to Worcester and London Paddington (which includes Oxford and Reading). Bus services operate between the town and Witney, Chipping Norton, and Oxford City Centre (the X9 and S3 services) and the bus stops for these are also within walking distance of the development site. This demonstrates that the development is located where the need to travel by the private car is minimised and that alternative options for travel to the private car are readily available within walking distance.
- 5.135 In addition to the sustainable location, the proposed dwellings will be provided with EV charging points to encourage the use of greener vehicles for those journeys which do require the private car.
- 5.136 The Energy and Sustainability Statement submitted in support of the application uses the more recently published sustainability checklist produced by the Council which sets out requirements which exceed the policy requirements set out in the Local Plan to assess the sustainability of the scheme. The report demonstrates that the proposed development complies with the requirements of the Sustainability Checklist which exceeds the requirement of Local Plan policy. The CNP notes that developments should achieve excellent environmental performance which has been

demonstrated through the submitted statement. Energy and water efficiency measures are to be included in the proposed development through water efficient fixtures for example. These proposals therefore exceed the requirements of the policy and are significantly improved when compared to the previously approved scheme. The development complies with policy NE9 of the CNB also.

5.137 The Council's Air Quality Officer welcomes the inclusion of photovoltaics, cycle storage and electric vehicle charging (including e-bikes & scooters) in each property.

S106 Contributions

5.138 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.139 The applicant has referred to the provision of 57% affordable housing which exceeds the 40% contribution required by policy. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement. The seven assisted living bungalows would also be secured via S106 to be retained in perpetuity to meet the care needs of the area.

5.140 Policy H5 also requires the provision of 5% of the residential plots to be serviced and made available for custom and self-build housing. The proposal would provide a 32% Self/ Custom build properties in excess of policy.

5.141 Matters relating to the provision of Green Infrastructure, play areas, open space and public art will also be secured via the s106 legal agreement together with required monitoring costs. The following financial contributions towards sports and recreational facilities, and public art requested by WODC are:

- Outdoor pitch provision contribution of £73,194.14 towards enhancements and improvements to sports pitches and ancillary facilities in the catchment area.
- Artificial pitch provision contribution of £2,626 towards the cost of a replacement or improvement to artificial pitches in the catchment area.
- Sport hall/ studio provision contribution of £17,116 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
- Swimming pool provision of £20,648 towards the cost of an enhancement or improvement to pools in the catchment area.
- Tennis Court provision contribution of £1,318 towards the cost of an enhancement or improvement to tennis courts and facilities within the catchment area.
- Public Art contribution of £3,780 to develop temporary public art activity on and off site to foster connectivity for and with residents' post occupation; and
- Primary Health Care contribution of £33,529 towards the creation of additional clinical capacity at Charlbury MC or an identified primary care estates project in the local area to serve the development.

5.142 The following on and off site contributions have also been sought by OCC, as set out in their consultation response:

- Public transport contribution of £41,921 towards public transport services, namely the continued/ improved operation of bus services serving Charlbury;

- Special school education contribution of £17,948 towards special school education capacity serving the development; and
- Waste contribution of £3,477 towards household waste recycling centres within the vicinity of the site.

Conclusion and Planning Balance

5.143 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As the Council cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

5.144 Where policies for the supply of housing are out of date, paragraph 11 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The NPPF identifies the AONB and Ancient Woodland (as irreplaceable habitat) as having specific protection.

5.145 The proposal does not impact upon the ancient woodland, nor does it result in any loss of the Woodland. The proposal whilst in the AONB, is contained due to the landscape setting and does not result in a harmful erosion of the wider character of the AONB, nor the purpose of the designation. The proposed development would have no adverse impact upon existing trees and would provide suitable offset from those retained trees both during construction and following occupation. In the Cotswold National Landscape (AONB) great weight should be given to conserving and enhancing landscape and scenic beauty. Even though these harms are small, any harm to the AONB should be given great weight. Having applied great weight to the small-scale harms Officers do not consider that the extent of harm would weigh so heavily as to justify refusal. Even if it were considered to be major development, your Officers assessment is that the extent of harm is such that even having applied great weight, it can be demonstrated that the development is in the public interest and as such would be acceptable.

5.146 It is acknowledged that there are some harms associated with the development as set out above, however, these harms are considered to be outweighed by the planning benefits/public interest which arise. The benefits are considered to be the contribution to overall housing numbers (as the site is already included in the housing delivery trajectory), the provision of affordable housing in excess of the requirements of the local plan and the provision of specialist housing which is in demand in the local area and Charlbury, the contribution to the local economy and the provision of biodiversity net gain. In addition, s106 contributions will be made to the benefit of local schools, community facilities and improvements to footpaths will be provided.

5.147 In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the social, economic, and environmental planning roles.

5.148 The proposed development represents sustainable development in line with the NPPF for the following reasons:

- Social - The proposal would positively support the delivery of housing, including affordable housing, in a location which has good access to the services and facilities which are required for day to day living. The proposal would provide a well-designed scheme which provides affordable

housing, specialist housing and market housing meeting the identified housing need within the Charlbury area. Significant weight is attached to this social benefit.

- Economic - the Government has made clear its views that house building plays an important role in promoting economic growth. The development would make effective use of the land and would add to the vitality of Charlbury through the provision of additional spend in the local area. In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. It is considered that moderate weight should be afforded to these benefits.
- Environmental - the proposal would respect the character of the locality and whilst in the AONB does not detract from the wider landscape. The development is to be constructed to a high specification limiting energy use and utilising air source heat pumps for heating and hot water provision. Solar panels are to be provided reducing reliance on the national grid and electric charging points for electric vehicles will be provided throughout.

5.149 The proposed development is supported in principle given its location adjacent to the existing settlement and given the identified substantial local need for housing. It is also noted that the Council previously supported development of a similar scale on the site and have concluded that the development was acceptable in line with planning policy and that materials considerations resulted in development proposals being considered acceptable.

5.150 The above assessment demonstrates that the proposals would meet with the requirement of specific paragraphs of the NPPF in relation to Ancient Woodland and the National Landscape. Furthermore, it is demonstrated that there are no justifiable reasons to refuse planning permission. On this basis, the tilted balance applies, and planning permission should be granted unless: '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.' (Paragraph 11 d) ii.).

5.151 There would be no significant harm to protected species and biodiversity would be enhanced with a biodiversity net gain of 20.06% in habitat units and a 78.34% net gain in hedgerow (linear units). The proposal would accord with the Council's sustainability checklist providing properties with air source heat pumps, electric vehicle charging points and solar panels. The contemporary take on the local vernacular featuring narrow gables and steeply pitched roofs reflects the guidance of the design guide. Supporting reports demonstrate that technical matters such as drainage and highways do not result in any unacceptable impacts.

5.152 Additionally, it is demonstrated that the limited 'less than substantial harm' which is caused to the heritage assets (adjacent train station building) would be outweighed by public benefits and an appropriate landscape strategy could assist in mitigating some of this harm.

5.153 Overall, the proposed development is in accordance with the development plan (the Local Plan and the CNP) taken as a whole and the guidance of the NPPF. The proposed development provides for a number of planning benefits which will arise from the proposed development and improvements over the previously approved scheme. The benefits achieved from the proposed development are compelling when considered against the harm identified by the proposed development by providing contributions to much needed affordable accommodation and specialist accommodation as well as wider benefits through contributions secured via a s106 agreement in a highly sustainable location with minimal impacts upon the AONB and the adjacent ancient woodland.

5.154 Turning to the overall planning balance as directed by paragraph 11 of the NPPF and 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.

5.155 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

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. No dwelling shall be erected beyond the damp proof course 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.

REASON: To ensure a suitable appearance for the development and to protect the character and appearance of the area

4. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans," to include details of a Travel information Pack for residents, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy.

5. No other part of the development hereby approved shall be occupied until the offsite highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include:

- Formation of site access junction to Forest Road
- Off-site improvements including: the widening of the footpath on the north side of Forest Road, the formation of footpath on the south side of Forest Road to aid pedestrian access to Charlbury station and the amendment of the speed limit.

REASON: To ensure a safe and adequate access to the site for all users.

6. Prior to first occupation of any of the dwellings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority. The EVCP shall be installed and brought into operation in accordance with the details agreed prior to occupation of the development.

REASON: In the interests of air quality and to reduce greenhouse gases.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes, and vehicle parking etc.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

8. Prior to the first occupation of any dwelling hereby approved, secure and covered cycle parking shall be provided at the location shown on drawing SL-010 serving that dwelling. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

9. The car parking areas hereby approved shall be provided in accordance with the details shown and be available prior to the first occupation of the approved development. The parking areas shall be bound, formed, and laid out in accordance with the approved details and retained in place thereafter solely for the purpose of parking vehicles ancillary to the permitted uses unless otherwise agreed in writing by the Local Planning Authority.

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

10. 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.

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

11. 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.

12. No part of the development hereby approved shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been submitted to and agreed in writing with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents

13. The drainage system hereby approved shall be implemented in accordance with the approved Detailed Design prior to the use of the development commencing including:

Document

- Flood Risk Assessment and Drainage Strategy prepared by Travis Baker for Harper Crewe Ltd (Ref: 22135 Rev. C) dated 21 May 2024.

Drawing

- Drainage Strategy reference IN116 Oct 2023
- Appendix 1 - Topographical Survey produced by Geoff Perry Associates
- Appendix 2 - Thames Water Pre-Planning Enquiry
- Appendix 3 - Thames Water Asset Location Search
- Appendix 4 - Soakaway Extract taken from Ridge and Partners LLP Ground Investigation Report
- Appendix 5 - Drainage Strategy Drawing Number IN-116
- Appendix 6 - Drainage Strategy Drainage Areas Plan Drawing Number IN-114
- Appendix 7.1 - Water Quality Assessment - Parking
- Appendix 7.2 - Water Quality Assessment - Roads
- Appendix 7.3 - Water Quality Assessment - Rooves
- Appendix 8.1 - FLOW Drainage Calculations - 2yr Storm Event
- Appendix 8.2 - FLOW Drainage Calculations - 30yr Storm Event
- Appendix 8.3 - FLOW Drainage Calculations - 100yr Storm Event
- Appendix 8.4 - FLOW Drainage Calculations - 100yr+40% Climate Change Storm Event
- Appendix 9 - Typical Drainage Strategy Maintenance Regime

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal.

14. Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

15. The proposed development shall be carried out in accordance with the key recommendations as set out in the submitted Energy and Sustainability Statement prepared by Harper Crewe (Charlbury) Ltd (Revision 04) dated 8th August 2024.

REASON: In the interests of climate change.

16. The development shall be carried out strictly in accordance with the Acoustics Assessment by MEC Consulting Group (Report Ref: 28548-ENV-0401 Rev B) dated April 2025 hereby approved. All recommendations outlined in the approved 'Acoustic Assessment' shall be implemented and completed prior to the first occupation of the development. These details shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority. Should any alterations be made to the development that could materially affect the results of the 'Acoustic Assessment', an updated assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the affected works. This updated 'Acoustic Assessment', as approved, shall supersede all previous iterations.

REASON: In the interests of residential amenity.

17. Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been submitted to and agreed in writing by the Local Planning Authority.

REASON: To reduce the opportunities for crime and disorder.

18. Prior to commencement of development above slab level, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The development shall be implemented in accordance with the approved details.

REASON: In the interests of residential amenity.

19. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

20. The development shall be completed in strict accordance with the biodiversity mitigation and enhancement details in the following Ecological Assessment report dated 11 April 2025 by BSG Ecology and standard precautionary working methods for great crested newts.

All the biodiversity mitigation and enhancement measures shall be implemented in full according to the specified timescales or at least before the development hereby approved is first brought into use and all the biodiversity mitigation and enhancement features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

21. Notwithstanding the submitted details and prior to above ground works, an amended landscaping scheme incorporating the removal of Cherry Laurel and the replacement of non-native plants (especially those considered to be invasive) for native tree/shrub species wherever possible, and the inclusion of an additional specification for the northwestern area of woodland to encompass native understorey and shade-tolerant ground flora in phases to allow the planted trees to establish first, shall be submitted to, and approved in writing by, the Local Planning Authority.

The development shall be carried out in accordance with the amended 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, whichever is the earliest.

REASON: To protect biodiversity, including the adjacent ancient woodland site, in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 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.

22. 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 success of the proposed landscaping scheme and associated biodiversity enhancements.

23. Notwithstanding the submitted details and prior to above ground works, an amended means of enclosure plan incorporating a robust rear garden boundary to all plots facing onto the adjacent ancient woodland site, hedgerows and stream corridor shall be submitted to, and approved in writing by, the Local Planning Authority.

The development shall be carried out in accordance with the amended plan 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, whichever is the earliest.

REASON: To protect the biodiversity value of the adjacent ancient woodland site, priority habitats and wildlife corridors in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 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

24. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities, including dust and pollution on the adjacent ancient woodland site (as referenced in Appendix 2 of the Ecological Impact Assessment dated 19 March 2025 prepared by BSG Ecology), the construction of the drainage strategy infrastructure relating to the stream corridor and associated pollution control;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - v. Details of the installation of integrated bird and bat boxes into the residential dwellings (incorporated into the walls of the buildings) to be incorporate at least 10 no. bat and 10 no. bird boxes (e.g. swift bricks);
 - vi. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vii. A non-native invasive species protocol (e.g. for Japanese knotweed) where necessary;
 - viii. The times during construction when specialists ecologists need to be present on site to oversee works;

- ix. Responsible persons and lines of communication;
- x. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works, including monitoring the impact of surface water drainage and outflows into the stream corridors; and
- xii. The submission of a verification report by the EcOW or similarly competent person(s) to the LPA at the end of the construction period.

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

REASON: To ensure that biodiversity is safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

25. Notwithstanding the submitted details, before above ground works commence, details of all external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority, particularly the rear security lighting on plots facing onto boundary habitats (adjacent ancient woodland site, hedgerows and stream corridors). The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas, including the ancient woodland site boundary, stream corridor, SUDS wetland and hedgerows;
 - ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - iii. A description of the luminosity of lights and their light colour;
 - iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
 - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
 - vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect roosting, foraging/commuting bats 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 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

26. Notwithstanding the submitted details, before occupation of the development hereby approved, a final Landscape and Ecological Management Plan (LEMP) based on the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology and covering the lifetime of the development shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not necessarily be limited to, the following:
- i. Description and evaluation of features to be managed;
 - ii. Landscape and ecological trends and constraints on site that might influence management;
 - iii. Aims and objectives of management (including those related to species), including the following specific requirements:
 - a. establishment of the woodland understorey and ground flora;
 - b. de-silting of the pond sensitively to protect the liner or re-lining at intervals subject to monitoring results;
 - c. update to objective 2 in section 3.6 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to cover the impact of the drainage strategy, including monitoring of the outflows into the stream, and what remedial actions may need to be implemented where issues arise.
 - d. expanded monitoring in section 2.17 (objective 5) of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to include the stream and lowland fen habitats.
 - e. Adaptation of the homeowner information sheet mentioned in section 4.10 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to cover other objectives for the site, i.e. other habitats and species, as the way of communicating all of the objectives of the LEMP to ensure that homeowners are fully aware of the biodiversity value of the site, the need to retain and manage the 5m buffer to the woodland, the 3m buffer to the hedgerows and the stream corridor, as well as the newly created habitats on site, including the SUDS pond;
 - f. Amendment to section 4.14 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to include monitoring of the impact of the drainage strategy - pollution prevention from the outflows into the stream; and
 - g. Amendment to section 4.54 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to submit monitoring reports and updated versions of the LEMP to the local planning authority.
 - iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
 - v. Prescriptions for management actions;
 - vi. Preparation of a work schedule (such as 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 how the details of monitoring will be made available to the local planning authority and who will be responsible for implementing and agreeing remedial measures, and specifically including monitoring of the drainage outflows into the stream corridor and pollution incidents for remedial action where necessary;
 - x. Timeframe and process for reviewing the plan, including agreeing amendments with the local planning authority; and
 - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development and any future management body.

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 objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: to secure the long term management of habitats/green spaces for biodiversity and landscape reasons (i.e. formal and informal green spaces) beyond the initial 5-year aftercare maintenance period for the lifetime of the development in accordance with Local Plan policies EH3 and EH4.

INFORMATIVES :-

Notes to applicant

- I. **IMPORTANT:** the statutory Biodiversity Gain Plan deemed planning condition does NOT apply to this planning permission. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply: the application for planning permission was made before 12 February 2024.

There is a low risk that great crested newts may be present at the application site. Therefore, 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. It may be possible to use the Council's District Licence for great crested newts by joining the scheme via NatureSpace and submitting a Non-Material Amendment application to add the required planning conditions (to be confirmed by the local planning authority if this mechanism is required).

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If a bat is discovered, 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. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. Where the presence of roosting bats has been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends to more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site and to

ensure sufficient information for the licence application to Natural England.

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.

Guidance on lighting issues in relation to bats and reducing environmental disturbance can be found in the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting in the UK
<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

2. Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to offset 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 visit our website.
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
4. Thames Water have advised that they will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

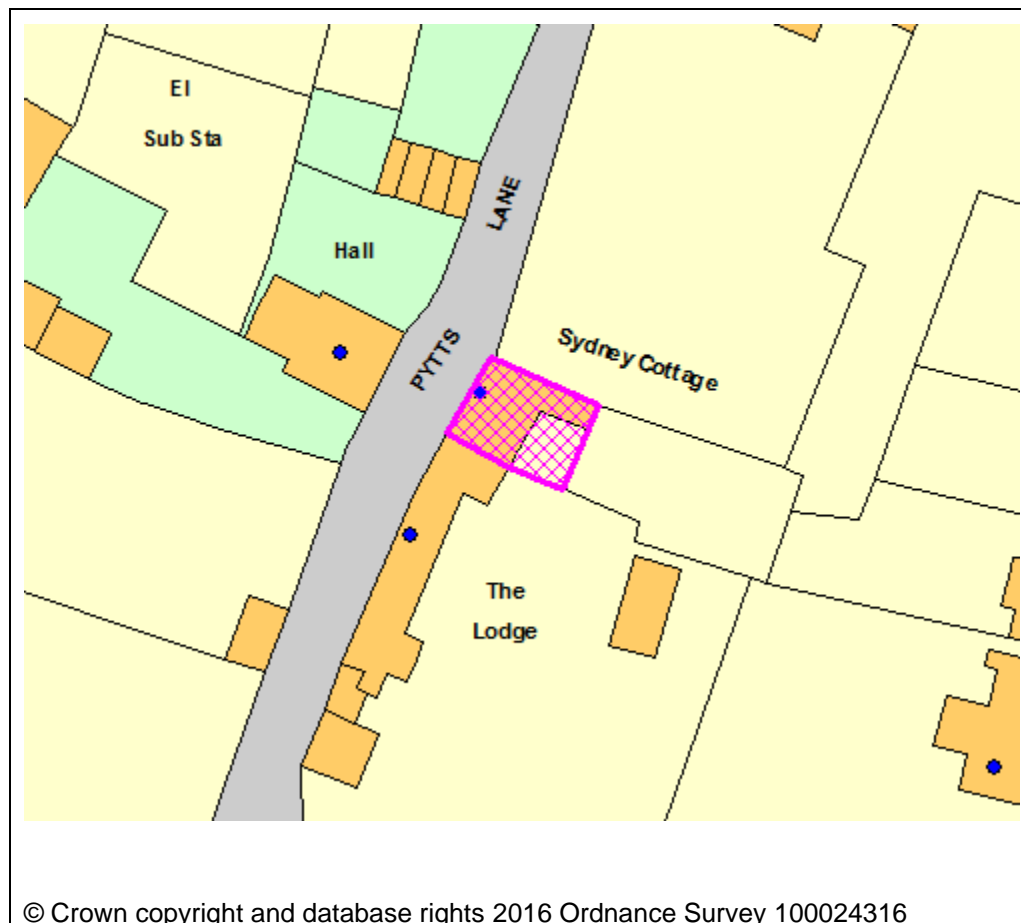
Contact Officer: Mike Cassidy

Telephone Number:

Date: 19th May 2025

Application Number	24/03150/LBC
Site Address	Sydney Cottage Pytts Lane Burford Oxfordshire OX18 4SJ
Date	19th May 2025
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425255 E 212088 N
Committee Date	28th May 2025

Location Map



Application Details:

Internal works including removal of internal walls, construction of a new lobby, plaster repairs, renewal of kitchen and sanitary fittings and electrical installations, use of loft as a bedroom, full internal redecoration (part retrospective) (amended description)

Applicant Details:

Mr Alex Dilling
Sydney Cottage
Pytts Lane
Burford
Oxfordshire
OX18 4SJ

1 CONSULTATIONS

Conservation And Design
Officer

I am content for this to be approved. The works have primarily affected fabric of relatively recent origin and/or no special interest.

Parish Council

Burford Town Council has concern regarding the external renovation in regards to the dormer window. As the building is listed, the proposed dormer would be completely out of alignment, creating an extra level and not in balance with the external design of the building. The Council objects to the unnecessary removal of a historic internal wall on the ground floor of a listed building. The Council has concerns regarding the new proposed staircase to the attic which would move an internal wall.

2 REPRESENTATIONS

2.1 The full versions of the comments received can be read on the WODC planning website, but are summarised below:

4 letters of objection were received:

- concerns that the introduction of en-suites is an unnecessary, and has a harmful impact on the internal floorspace;
- the dormer window will be asymmetrical and will cause overlooking;
- the works to the ground floor layout, will destroy the character of the listed building;
- the renovations may lead to a non-residential use.

3 APPLICANT'S CASE

3.1. The full design and access statement can be read on the WODC planning website, but the case is summarised by the extract below:

3.2. "16.03 Justification for Renovation

The proposals intend to respect the historical and architectural significance of the property through enhancement and repair, improving its longevity. By addressing structural and aesthetic issues, the project ensures the building's longevity and continued use, preventing decay and potential loss of historical fabric.

16.04 Impact Assessment

- **Positive Impact:** The renovation will stabilize and preserve important architectural elements, enhancing the building's appearance and ensuring it remains a viable part of Burford's historical landscape.
- **Minimal Adverse Effects:** Any interventions will be reversible and conducted with materials and methods sympathetic to the building's original construction.

17.00 Conclusion

17.01 The proposed renovation of Sydney Cottage is a carefully considered project that aims to preserve and enhance the historical and architectural significance of this Grade II listed building. The works will ensure the building's longevity, functionality, and continued contribution to the heritage of Burford.

We respectfully request the approval of this planning application, including retrospective approval of safety and repair works already carried out confident that the proposed works align with conservation principles and the historical importance of the property."

4 PLANNING POLICIES

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

5 PLANNING ASSESSMENT

5 Background Information

- 5.1. This is a part-retrospective application for listed building consent at the dwelling known as 'Sydney Cottage' in Burford for internal works including the removal of internal walls, construction of a new lobby, plaster repairs, renewal of kitchen and sanitary fittings and electrical installations, use of loft as a bedroom, full internal redecoration.
- 5.2. During the application the plans were amended to remove the rear dormer window, the new attic staircase and to lessen the amount of ground floor wall between the kitchen and living room to be removed in order to retain the masonry nib.
- 5.3. Sydney Cottage is grade II listed and located within the Burford Conservation Area and the Cotswolds National Landscape.

Siting and Design

- 5.4. The works comprise of internal alterations only, some of the works have already occurred including repairs. The proposed works remaining in the amended application are as follows:
 - updating the existing kitchen, utility and bathroom at ground floor level with new kitchen cabinetry, finishes and fittings;
 - providing a more accessible and flexible ground floor living space to link to the kitchen by removal of an extent of the existing internal walls between the kitchen, living room and entrance hall;

- construction of a new lobby enclosing the ground floor stairs and sub-partitioning of the first floor bedrooms together with a replacement staircase at first-floor for fire safety reasons enabling safe egress from the attic room and its use as a bedroom;
- new en-suite bathrooms to the attic bedroom and bedroom 2 and refurbishment of the existing en-suite bathroom to the master bedroom;
- formation of a new dressing area to the master bedroom;
- formation of an area of flagstone paving to form a more accessible surface in the area immediately outside the ground floor annex accessed via garden door from the living room.

Impact on the listed building

- 5.5. Officers are required to take account of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.6. 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, 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 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.
- 5.7. With regard to the impact on the listed building the works are intended to make the building suitable for modern living and making good any historical works that require repair or replacement. Some of these historical works appear to have been carried out without listed building consent and so your officers consider the making good of these works to be a positive step in conserving the heritage asset for future use. The internally works carried out and proposed are, by virtue of their nature and use of materials, considered to preserve the character and architectural integrity of the heritage asset.

Conclusion

- 5.8. The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area.
- 5.9. Taking into account the above matters the works proposed will preserve the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF.

6 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

REASON: To preserve internal features of the Listed Building.

3. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

4. 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.

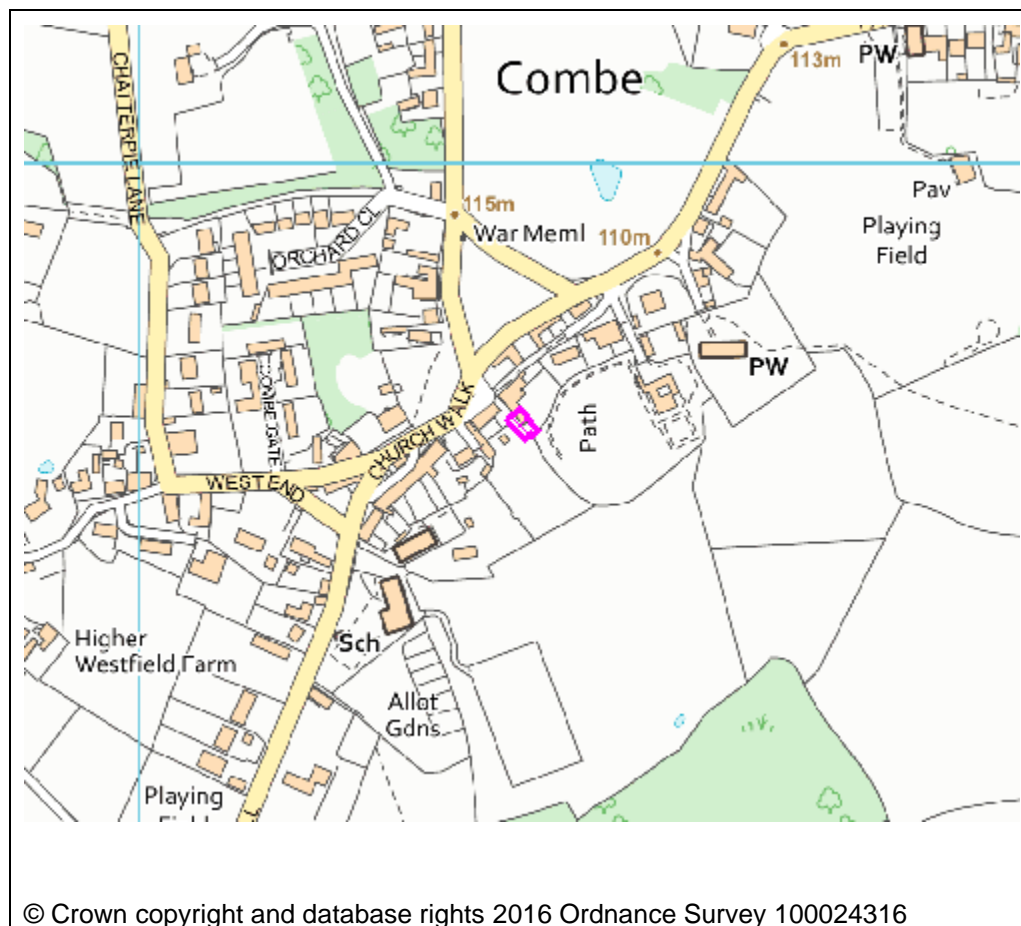
Contact Officer: Rebekah Orriss

Telephone Number:

Date: 19th May 2025

Application Number	25/00793/HHD
Site Address	Church View Cottage Church Walk Combe Witney Oxfordshire OX29 8NQ
Date	19th May 2025
Officer	Mr Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Combe Parish Council
Grid Reference	441252 E 215832 N
Committee Date	28th May 2025

Location Map



Application Details:

Erection of first floor side extension. (amended plans)

Applicant Details:

Mr And Mrs B Oddy
Church View Cottage
Church Walk
Combe
Oxfordshire
OX29 8NQ

1 CONSULTATIONS

Parish Council	The application has been considered by the Parish Council and there are no objections or comments
Conservation And Design Officer	The additional volume isn't great, the forms are fairly tidy and the listed buildings aren't that close - so there are no obvious objections from our point of view.

2 REPRESENTATIONS

2.1 No third party representations have been received to date

3 APPLICANT'S CASE

- 3.1 The applicant's submitted Design and Access Statement states that the proposal seeks planning permission for a first-floor extension above an existing flat roof element at Church View Cottage, Church Walk, Combe OX29 8NQ. The extension is designed to enhance the internal layout by relocating the bedroom into the new extension, thereby allowing the existing bedroom to become the main bathroom, with the former bathroom becoming an en-suite. The development will be constructed using materials that match the existing structure, including slate-type tiles, natural stone walls, and a timber feature barn door, which "not only compliments the host dwelling but also the nearest adjacent properties."
- 3.2 The site lies within the Combe Conservation Area. The Design and Access Statement explains that "the form, scale, detailing of proposed materials matches that of the wider conservation area and helps it to fit in well with its existing surroundings." The proposal is considered to "make a modest positive contribution to the character and appearance of the conservation area by replacing a flat roofed extension with a more complimenting traditional pitched roof."
- 3.3 The Statement further notes that the extension has been carefully designed to "remain subservient to the host dwelling" and "will sit comfortably in its surroundings, will not negatively affect the character of the conservation area or street scene and have no impact on neighbouring properties." It concludes that the proposal would "preserve the character and appearance of the conservation area and would have little bearing on the nearest listed buildings."

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
EH1 Cotswolds AONB

EH10 Conservation Areas

EH11 Listed Buildings

H6NEW Existing housing

NPPF 2024

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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 first floor side extension at Church View Cottage, Church Walk in Combe.
- 5.2 The site lies in the centre of the village of Combe. The site is within the Combe Conservation Area ("the CA") and Cotswolds National Landscape ("The CNL"), formerly known as the Cotswolds Area of Outstanding Natural Beauty ("AONB").
- 5.3 The existing dwelling is located just South East off of Church Walk down a small gap between the main dwellings along Church Walk. There are very limited public views of the dwelling.
- 5.4 This application is brought before Members of the Uplands Area Planning Sub-Committee as the applicant is directly related to an employee of West Oxfordshire District Council and its partners.

Relevant Planning History

- 5.5 17/01465/HHD - Replace existing lean-to structure with Orangery style extension to side elevation. (Part retrospective). - Approved

Planning Considerations

- 5.6 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, scale and appearance;
 - Impact on CNL
 - Impact upon heritage assets;
 - Neighbourliness; and
 - Other Matters

Principle

- 5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development

plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

- 5.8 The proposed extension is to be located within the residential curtilage of Church View Cottage. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Scale and Appearance

- 5.9 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised 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).

- 5.10 The proposal seeks to add a first floor extension above the previously consented rear extension on the SE elevation. The proposed extension is to have a cross gable design matching that of the existing gable on the main dwelling on top of the extension. The new extension is to have a ridge height of 5.3 metres with an eaves height matching that of the existing roof structure of the main dwelling. The front elevation is to include a false timber feature door at first floor level with a set of glazed French doors with Juliet balcony on the rear first floor level within the gable end. A new rooflight is proposed on the rear roof slope of the new cross gable. The materials used are to match those found on the host dwelling.

- 5.11 In terms of appearance, the additions to dwelling would read as clearly secondary and subservient to the host dwelling and the use of matching materials is considered acceptable. The proposed design is therefore considered to demonstrate high quality and locally informed design in accordance with the requirements of WOLP Policy OS4 and Section 12 of the NPPF. The proposed extension would not likely be visible from any public vantage points or within the wider street scene. The application is therefore considered acceptable in terms of siting, scale and appearance.

Impacts on CNL

- 5.12 The site is located within the Cotswolds National Landscape (CNL), formerly known as the Cotswold Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the landscape.

- 5.13 WOLP Policy EH1 states:

"In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the areas natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB".

- 5.14 Paragraph 180 of the NPPF states:

"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues".

5.15 WOLP Policy H6 also requires that proposal for replacement dwellings do not erode the character and appearance of the area.

5.16 Given the location of the site within the built-up area of the village and surrounding residential context, the proposed works would result in no landscape impact and the application is therefore considered to preserve landscape and scenic beauty in the CNL.

Impact upon heritage assets

Conservation Area

5.17 Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment.

In this regard, the proposed extension, given its design, scale and use of traditional matching materials would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. As such the proposal is considered to comply with Policy EH10 of the WOLP.

Listed Buildings

5.18 Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard for the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

5.19 Whilst there are listed buildings to the north of the site in the form of the Grade II listed Fern, Rose and End Cottage, given the location of the extension on the rear elevation, it would not be read in the same context of the heritage assets. As such the proposed extension is not considered to give rise to any harms to the listed buildings in terms of their setting or character and thus complies with Policy EH11 of the WOLP.

Neighbourliness

5.20 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 WOLP Policy OS4, NPPF Paragraph 135(f) and the West Oxfordshire Design Guide.

5.21 Whilst the new two storey extension would adjoin the boundary of the neighbouring property to the NE, given its siting adjacent to the garden it is not considered that the extension would give rise to any harms to the amenity of neighbours. The proposed development would therefore result in no material impact upon the residential amenity of third parties.

Other matters

5.22 Officers have sought amended plans following advice from the District's Conservation and Design Officers in regards to the rear first floor window opening which has been altered to a double door with Juliet Balcony.

5.23 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.

Conclusion

5.24 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS2, OS4, H6, EH1, EH10 and EH1, the West Oxfordshire Design Guide 2016, the relevant paragraphs of the NPPF and the Combe Village Design Statement. The application is therefore recommended for 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.

Contact Officer: Mr Emile Baldauf-Clark

Telephone Number:

Date: 19th May 2025