

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 23rd May 2022

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

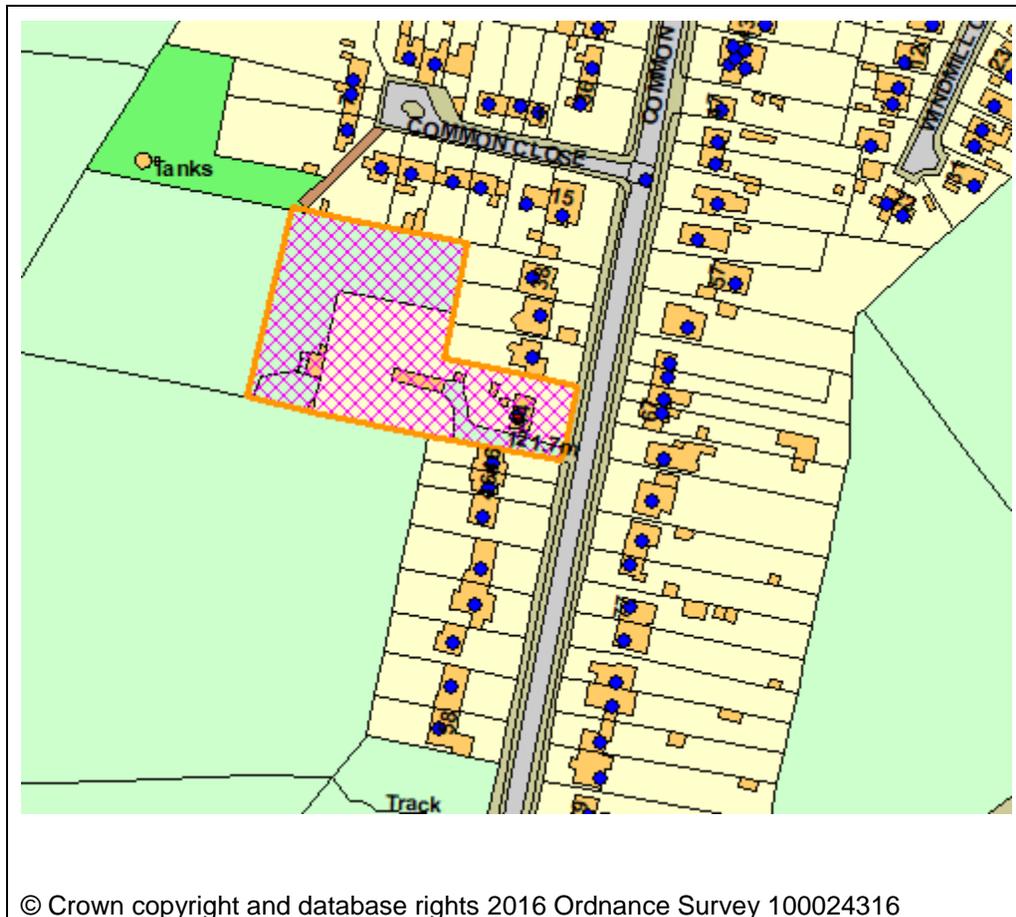
Please note that:

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

Page	Application Number	Address	Officer
9 - 36	21/03720/FUL	44 Common Road North Leigh	David Ditchett
37 - 40	22/00198/FUL	16 Shergold Road Bampton	Kim Smith
41 - 49	22/00465/FUL	North Leigh Methodist Church Chapel Lane	David Ditchett

Application Number	21/03720/FUL
Site Address	44 Common Road North Leigh Witney Oxfordshire OX29 6RB
Date	11th May 2022
Officer	David Ditchett
Officer Recommendations	Provisional Approval
Parish	North Leigh Parish Council
Grid Reference	438532 E 212493 N
Committee Date	23rd May 2022

Location Map



Application Details:

Demolition of existing residential property. The erection of 10 detached and semi-detached two storey dwellings and construction of a new access onto Common Road, with associated garaging and parking, landscaping and all enabling works

Applicant Details:

Mr Tim Northey
Market House
Silver Street
Olney
MK46 4AL

I CONSULTATIONS

Parish Council

The applicant argues that objections raised against previously refused application 21/02900/FUL have been fully met. This is not the case.

Housing developments totaling 175 units have been or are being erected in North Leigh village, thus satisfying the need for housing in this medium sized village. The proposal is for a further 10 units and will further impact on village facilities and harm the character of the area. This is contrary to Policy OS2 of the Local Plan. 2031.

The proposed density of units at 20 per hectare may be appropriate for urban developments, but is inappropriate for and harmful to the character of the village. This is contrary to Policy OS4 of the Local Plan.

Whilst the new proposal now includes 2 affordable units, the mix of units consists eight 3-bed units and two 4-bed units and does not include any 2-bed units. This is contrary to Policy H4 of the Local Plan.

During 2021 numerous problems with foul water and sewage leakages have occurred on Common Road close to the proposed site resulting in emergency call-out of Thames Water repair crews. The applicant has not consulted Thames Water and has not drawn up an appropriate foul water drainage plan. This is contrary OS4 of the Local Plan.

Should the application be approved and without prejudice to our objections, the Parish Council require the following conditions to be attached;

- a) demolition and construction equipment and vehicles shall be used and parked only on the site to avoid damage to and obstruction of that part of Common Road
- b) all vehicles leaving the site to be subject to fully automated wheel washing facilities to prevent mud and construction debris being carried on to Common Road.

Also, without prejudice to our objections and pending the introduction of the Community Infrastructure Levy (CIL), the Parish

Council require the following compensation in mitigation of the social impact of the development on the village;

- a) the A4095/Common Road junction verges to be landscaped in consultation with the Parish Council and maintained by the applicant for a period of 25 years.
- b) a financial contribution be made to a new cycle track between Common Road and Park Road junctions of the A4095
- c) an appropriate traffic calming scheme be installed on Common Road.

WODC Housing Enabler

22.02.2022

Having had the opportunity to review the revised application I am able to make comments from an affordable housing point of view.

Policy H3 in the West Oxfordshire District Council Local Plan 2018 requires housing schemes of 11 or more units or which have a maximum combined gross floor space of more than 1000m² to provide affordable housing on site.

North Leigh is in the medium value zone. The on-site requirement for affordable housing on schemes in the medium value zone is 40%.

The proposed development has a combined gross floor space including garages of more than 1000m² (including netting off the existing bungalow to be demolished) and should therefore be required to provide 40% affordable housing in accordance with Policy H3.

WODC - Sports

No Comment Received.

WODC Planning Policy
Manager

No Comment Received.

Major Planning Applications
Team

- 17.12.2021
- Waste Management - no objection subject to legal agreement securing S106 contributions

Highways - no objection subject to

- S106 Contributions
- An obligation to enter into a [S278] [S38] agreement
- Planning Conditions
- Informatives

Lead Local Flood Authority - objects

- drainage strategy proposed must be in line with latest national and local guidance

- detailed surface water management strategy must be submitted in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire

District Ecologist

No objection subject to conditions and informatives.

Thames Water

Waste Comments

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 the following informative attached to the planning permission: "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. We would expect the developer to demonstrate what measures he will undertake 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.

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

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

Water Comments

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

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

Conservation Officer

No Comment Received.

Wychwood Project

No Comment Received.

ERS Env. Consultation Sites

06.12.2021

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

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

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

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

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

WODC Env Health - Lowlands 14.12.2021

Thank you for the opportunity to consult.

I have reviewed the application and I, do not consider road traffic noise to be a constraint for this site.

The Design and Build of the new dwellings should fully satisfy the Internal room sound levels for comfort as prescribed by British Standards 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

I would suggest the following conditions:-

1. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 Guidance for Sound Insulation and Noise Reduction for Buildings (or later versions).

2. Prior to work commencing on the site, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following details:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of
- equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Wheel washing facilities

Informative:-

The Acoustics Ventilation and Overheating Residential Design Guide. Version 1.0 (Jan 2020) provides current additional valuable guidance.

OCC Lead Local Flood Authority

10.03.2022

Objects - technical reasons set out in online comment

WODC - Sports

No Comment Received.

OCC Lead Local Flood Authority

07.02.2022

Objection - Generally we don't have an objection to the SuDS design principles. However, additional and corrected information should be provided for the LLFA to be able to fully review.

WODC Housing Enabler

04.04.2022

Information from our choice based lettings system for those qualifying to rent affordable housing and indicating North Leigh as one of their areas of preference.

Applicants can identify up to three locations when selecting their areas of preference.

1 Bed single	49
1 Bed Couple	13
2 Bed	41
3 Bed	11
4+ Bed	5
Total	119

The Homeseeker + priority bandings that these 119 applicants fall under are as follows:

Emergency	0
Gold	1
Silver	22
Bronze	96
Total	119

These bands are broadly explained as:

Emergency = Is in immediate need of re-housing on medical grounds or down-sizing etc

Gold = Has an urgent medical / welfare need / move due major overcrowding etc

Silver = Significant medical or welfare needs that would be alleviated by a move

Bronze = All other applicants not falling into the above categories

In addition to these 119 applicants there are a further 2426 applicants on the wider district waiting list that could benefit from the development of affordable housing.

OCC Lead Local Flood Authority

No Comment Received.

18.01.2022

I am just going through some of the planning applications on the planning portal and have seen the above referenced application. I think that my colleague may have responded to the "ERS Env. Consultation Sites" consultation which is for contamination in error.

I see that this application is similar to a previous application (21/02900/FUL) for which I submitted the following comments. These comments remain applicable for the new application.

Thank you for consulting our team. I have considered the application in relation to contaminated land and potential risk to human health. From the information submitted with the application it is understood that the development site currently comprises a road, single story dwelling, associated garden area including a number of outbuildings and a paddock with more outbuildings. Photographs of the site suggest there may be some areas where rubbish has been piled up. I have no major concerns in relation to the proposed development and the site, however, given the number of outbuildings and the piles of rubbish on site please could the applicant confirm the following;

- That no fuels or other potentially contaminating substances have been stored at the site.
- That the rubbish piles on site have been placed there by the owner of the site and are not fly tipped material. If the piles have been placed by the owner please could they confirm that there are no potentially contaminating substances within the stockpile. For example asbestos containing material, drums of fuel or batteries.

Depending on the answers to these questions I would likely request the following condition be added to any grant of permission.

- In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- Reason: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF

24.01.2022

I have received the email below from the applicant and based on the information they have provided request that the following condition be added to any grant of permission.

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

Reason: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF

2 REPRESENTATIONS

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

42 third party objections received relating to:

1. Same as previous application that was refused;
2. Houses close to No 46 Common Road;
3. No need for homes;
4. 176 houses approved for development in the village in the last 2 or 3 years;
5. Increase traffic congestion;
6. Isolated from services and facilities;
7. Loss of local services;
8. Loss of biodiversity;
9. Pressure on water system;
10. Challenge existing infrastructure;
11. Impact to residential amenity;
12. Too many houses already being built in the village;
13. Overdevelopment;
14. Poor quality homes;
15. Out of character;
16. Increase traffic speeding;
17. School at capacity;
18. Lack of site notice;
19. North Leigh needs to remain a smaller town;
20. Inadequate sewer system;

21. Thames Water often visit area to fix issues;
22. Drainage;
23. Existing services are stretched;
24. Highway safety, especially at school times;
25. Impact to local wildlife;
26. No affordable housing;
27. Not an allocated housing site;
28. Overbearing;
29. harm the character and appearance of the village;
30. Power outages;
31. Loss of green field;
32. Development should be on a brownfield site;
33. No social benefits;
34. Design, scale, form and layout of the proposal would not complement the existing pattern and character of the houses down the road;
35. The close proximity of plots 1, 3 and 10 to existing houses is overbearing and will harm the enjoyment of their gardens and privacy in their homes;
36. Reliant on cars;
37. Traffic noise and pollution for No 42;
38. Loss of trees and hedges;
39. Impact to amphibians;
40. Water system cannot cope with more houses;
41. Landscape harm;
42. Flooding;
43. Village is overpopulated;
44. Pollution;
45. Risk to pedestrians;
46. Impact to birds roosting;
47. Impact of building work;
48. Loss of privacy;
49. Poor parking provision;
50. Outlook from side window blocked;
51. Not previously developed land;
52. Excessive density;
53. Design;
54. Scale;
55. Trees felled on site; and
56. Not sustainable development.

3 APPLICANT'S CASE

- 3.1 The supporting Planning Statement summarises their case as follows:
- 3.2 The application site mainly comprises previously developed land within North Leigh where the principle of residential development is already established, with the remaining land area undeveloped land immediately adjoining the settlement edge. It is sustainably located as has been established in a number of recent significant planning decisions at the village.
- 3.3 This revised application has fully considered the previous reasons for refusal with updated and additional supporting information to address these concerns. This includes a LVTN which robustly

demonstrates that the application forms a logical development that can be integrated without significant harm to the character and appearance of the area.

- 3.4 This high quality residential development will make more efficient use of a previously developed land resource and increase housing supply in an area with a significant housing affordability issue. It will also deliver a number of new 3 bed properties including affordable units, which are identified by the Council as the type of housing in greatest need in the district.
- 3.5 The applicant has also identified a housing land supply deficit in the district as a number of identified sites will clearly not be delivered within the 5 year period claimed by the Council. Consequently, the provisions of Paragraph 11(d) are triggered meaning the Council's housing policies are considered out of date and the 'tilted balance' applies.
- 3.6 In weighing up this application, paragraph 8 of the NPPF refers to three mutually dependent dimensions of sustainable development: economic, social and environmental. In terms of its identifiable benefits, the construction of the proposed houses will provide a source of employment in the short term which is important at this time of needing to increase economic activity. Once built, the resultant increase in population will serve to increase the level of expenditure in the local economy helping with the vitality of local services. These economic benefits will be of modest positive weight.
- 3.7 The proposal will make a contribution towards boosting the supply of housing in an area with a significant housing affordability issue, including smaller family housing for which there is a very significant need in the district. It will also provide much needed affordable housing. Significant positive weight should be attributed to these social benefits.
- 3.8 If permitted, this proposal will involve the more efficient use of a previously developed land resource and reduce the need for land release elsewhere in the district of higher environmental quality. The implementation of the proposed soft landscape proposals and integrated new habitat opportunities, plus offsite contribution to secure a biodiversity net gain, will deliver environmental benefits from the development. These environmental benefits will be of modest positive weight and creating greater biodiversity.
- 3.9 The loss of a limited area of agricultural land will be of modest negative weight, when combined with the change in character of this part of the site. However, the site is of no recognised landscape quality and there are no public views into or out of this part of the site, ensuring no discernible impact upon the character of the area.
- 3.10 In conclusion, the limited adverse impact of the proposal would not significantly or demonstrably outweigh the benefits when assessed against the policies of the framework as a whole. The tilted balance applies in this instance and the planning balance favours a grant of planning permission without further delay.

4 PLANNING POLICIES

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH7 Flood risk
EH8 Environmental protection
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
DESGUI West Oxfordshire Design Guide
NPPF 2021
NATDES National Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

PLANNING ASSESSMENT

- 5.1 The applicant seeks planning permission for the demolition of existing residential property. The erection of 10 detached and semi-detached two storey dwellings and construction of a new access onto Common Road, with associated garaging and parking, landscaping and all enabling works.
- 5.2 The site is accessed by an existing access serving the domestic curtilage and beyond into the paddock to the rear of the site. There are a number of outbuildings which appear to have been associated with the dwelling, albeit not within an established domestic curtilage.
- 5.3 An application for the construction of five detached dwellings and garages. Close existing and formation of new vehicular access in revised position was refused permission in November 2018 (Ref: 18/02932/FUL) for the following reasons:

1. The proposal is for housing development on a predominantly greenfield site on the edge of the settlement of North Leigh. The development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of the location, site characteristics, and a very low 5 year windfall allowance. The design (including materials), scale, form and siting of the proposal would not form a logical complement to the existing scale and pattern of development in this location, it would fail to protect or enhance the local landscape and the setting of the village, and would fail to conserve the natural environment. There would therefore be an unacceptably harmful impact on the character and appearance of the area. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies H2, EH2, OS2 and OS4, and paragraphs 12, 127, and 170 of the NPPF.

2. By reason of the siting of plots 4 and 5 in particular, close to the boundaries with existing properties, the proposed dwellings will appear overbearing and result in overlooking from the first floor of Plot 4 and the ground floor of Plots, 1, 2, 4 and 5 and the access road due to insufficient boundary treatment to the detriment of the residential amenity of the adjacent occupiers. As such, the proposal is considered contrary to adopted West Oxfordshire Local Plan Policies OS2, H2 and OS4, and the relevant paragraphs of the NPPF.

5.4 A further application (ref. 20/02900/FUL) was refused in March 2021 for the following reasons:

1. The proposal is for housing development on a predominantly greenfield site on the edge of the settlement of North Leigh. The development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of the location and site characteristics. The design, scale, form and layout of the proposal would not form a logical complement to the existing scale, pattern and character of development in this location, it would fail to protect or enhance the local landscape and the setting of the village, and would fail to conserve the natural environment. There would therefore be an unacceptably harmful impact on the character and appearance of the area. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies H2, EH2, OS2 and OS4, West Oxfordshire Design Guide, National Design Guide and the NPPF.

2. The proposed development fails to provide affordable housing and a mix of property types and sizes in conflict with Policies H3 and H4 of the West Oxfordshire Local Plan 2031, National Design Guide and the NPPF.

3. The proposed development fails to provide an acceptable SuDS solution in line with Local and National Standards and water quality standards are not met. In addition no water quality assessment has been carried out. As such the proposed development conflicts with Policies EH7 and EH8 of the West Oxfordshire Local Plan 2031 and the NPPF.

4. There is inadequate information relating to biodiversity net gain (BNG) and the proposal fails to demonstrate that a BNG can be provided on site. As such the proposal is contrary to Local Plan policy EH3 and the NPPF.

5. The applicant has not entered into a legal agreement to secure a contribution towards necessary infrastructure including sports and recreation and play facilities, highway works and improved public transport required to offset the burden on local infrastructure that would otherwise result from the proposed development. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with Policies OS5 and T3 of the West Oxfordshire Local Plan 2031 and the NPPF.

5.5 The adopted West Oxfordshire Local Plan identifies North Leigh as a Village wherein new development is acceptable in certain circumstances. The site is part existing bungalow set in its domestic curtilage and part undeveloped paddock area and agricultural field.

5.6 The site is bounded to the north by the rear gardens of properties fronting Common Close and the rear gardens of Nos 38, 40 and 42 Common Road forming the eastern boundary.

5.7 The site is not within the Cotswolds AONB, Conservation Area or any other designated area.

5.8 The site is wholly within flood zone 1.

5.9 The application is before Committee as the Parish Council have objected to the proposal.

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

Principle of Development;
Siting, Design and Form;

Highway Safety;
Drainage and Flood Risk;
Trees and Ecology;
Residential Amenities;
S106 matters; and
Conclusion (including previous refusal reasons) and Planning Balance

Principle of Development

- 5.11 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross).
- 5.12 North Leigh is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.
- 5.13 Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances.....
- 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.'
- 5.14 The existing dwelling and its garden is considered to be previously developed land (also known as brownfield land). New development is therefore supported in principle in this area by Policy H2. In addition, paragraph 120 (c) of the NPPF states 'planning policies and decisions should..... give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs'.
- 5.15 The additional land forming the proposed development site would be described as undeveloped land adjoining the built up area and in this instance, Local Plan Policy H2 requires convincing evidence to demonstrate the site is necessary to meet an identified housing need. The assessment for the previously refused application at the site in March 2021 noted that 'no such evidence has been provided'.
- 5.16 It is vital that Local Planning Authorities issue consistent decisions, particularly for similar development proposals on the same site. The background to this site is that 10 homes were refused on this site for several reasons (as stated above) in March 2021. Therefore, a material change must occur that would warrant the LPA coming to a different conclusion than the previous refusal.

- 5.17 Policy H3 of the Local Plan requires the provision of affordable housing on schemes of 11 or more units or which have a maximum combined gross floor space of more than 1000sqm. Whilst the previous application at the site (ref. 20/02900/FUL) only provided a net increase of 9 units, it would have exceeded the 1000sqm floor space requirement and as such affordable housing should have been provided. However, no affordable housing was provided. Indeed, the lack of affordable housing was discussed within the previous Officer Report and ultimately formed part of refusal reasons 1 and 2.
- 5.18 The current scheme proposes approximately 989sqm of dwelling floorspace and approximately 74sqm of carport floorspace. The existing dwelling to be demolished is approximately 70sqm. The net increase of floorspace on site therefore (when subtracting the existing dwelling) is approximately 993sqm. While there is some debate as to whether carports contribute towards the floorspace calculation when assessing affordable housing contributions, the above has shown that should carports be included, or not, the scheme still proposes less than 1000sqm of new floorspace.
- 5.19 Therefore, the provision of affordable housing is not required to meet Policy H3. However, as part of the development site is on undeveloped land adjoining the built up area, Policy H2 requires convincing evidence to demonstrate that new housing is necessary to meet identified housing needs. Of note is that the applicant now proposes two affordable homes as part of this application. As such, floor space is reduced from the previous scheme and two affordable homes are now provided. These are material changes from the previous refusal.
- 5.20 The Council's Housing Enabler Officer states that as of 04/04/2022, 119 applicants were registered on the Council's Homeseeker+ system to rent a home in North Leigh. In addition to these 119 applicants there are a further 2426 applicants on the wider district waiting list that could benefit from the development of affordable housing. It is clear that there is a need for affordable housing in North Leigh and the wider district.
- 5.21 In terms of the Council's land supply position. The Council has recently undertaken a review of the current situation (December 2021) and concludes it has a 5.3 year supply. Footnote 8 and Paragraph 11 of the NPPF are not therefore triggered; the local plan policies which are most important for determining the application are not out-of-date and can be afforded full weight. Furthermore, the Housing Delivery Test (updated 14 January 2022) found from 2018-2021 West Oxfordshire required 1420 homes and delivered 2767. A Housing Delivery Test 2021 measurement of 195%. While WODC can demonstrate a five year supply of deliverable housing land, this is not a supply ceiling and officers are mindful of the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF).
- 5.22 In light of the discussion above, officers are satisfied that convincing evidence has been presented to demonstrate that there is a need for housing in this location. Furthermore, while a net increase of 9 homes in this location would not significantly boost the supply of homes. It would nonetheless make a contribution.
- 5.23 Notwithstanding the above assessment, the proposal shall be assessed against the Local Plan as a whole and in particular the general principles of Policy OS2 in more detail below.

Siting, Design and Form

- 5.24 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.
- 5.25 Policies OS2 (Locating development in the right places), OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.26 Officers considered that the design, scale, form and layout of the previous scheme would not form a logical complement to the existing scale, pattern and character of development in this location. This formed part of refusal reason 1 of application ref. 20/02900/FUL.
- 5.27 When comparing the previously refused scheme to the current proposal. The proposed development still amounts to a backland form of development with eight of the new dwellings located to the rear of properties fronting onto Common Road. Six of the dwellings would still be large detached properties (plots 3, 6, 7, 8, 9 and 10). Plots 1 and 2; and plots 4 and 5 would still be semi-detached pairs. In addition, both the previously refused scheme and the current scheme propose the same mix of bedroom numbers (seven 3 bed homes and three 4 bed homes). As such, the conflict with Policy H4 remains. Four homes are still proposed to the north of the site and the remaining six to the south. In terms of materials, these are proposed to be slate roofs, reconstituted stone walls, and timber windows and doors. Brick chimneys and timber porches are also proposed.
- 5.28 There are some differences to the scale, footprint, orientation and design of the dwellings proposed when compared to the previous refusal. Particularly the detached dwellings. However, the siting, materials, pattern, and character of the overall development remains broadly the same as the previous refusal.
- 5.29 In terms of major changes. All of the garages have been removed and four car ports are now proposed. Six plots will have no garaging/carports. In addition, only one vehicular entrance is now proposed to serve all the dwellings where the previous scheme had two vehicular entrances (one retained for plot 1 and the rest accessed by the new entrance). Plot 1 will have a separate pedestrian access.
- 5.30 Common Road is characterised by its linear form of development along both sides of the road with Common Close located further to the north comprising a planned cul-de-sac form of development of uniform appearance. Some other cul-de-sacs are also present to the north. This backland form of development proposed bears some resemblance to the cul-de-sacs to the north, however, it is proposed to extend into open countryside to the west, eroding the village setting. The development would be visible from Common Road and partially from the public rights of way to the west of the village.

- 5.31 Most of the existing trees on the site are to be removed, although the submitted tree schedule indicates that all of the trees are defined as category C and of low overall quality. Nevertheless, the loss of these trees would further expose the development and the expanding edge of North Leigh to views from the public right of way to the west. The roadside hedge is also proposed to be removed.
- 5.32 Overall, there are insufficient differences in terms of the general design, scale, form, layout and landscape impacts that would warrant coming to a different conclusion than the previous refusal. As such, the proposed development conflicts with Local Plan Policies OS2 and OS4 in terms of the design, scale, form and layout of the proposed development and Policy EH2 as it would fail to protect or enhance the local landscape and the setting of the village.

Highway Safety

- 5.33 Highway safety did not form a refusal reason for the previous scheme. However, OCC Highways did initially object to the previous scheme as the Refuse Collection Vehicle (RCV) used in the swept path analysis was of insufficient size. That matter was dealt with during the previous application and it was demonstrated that the swept path for the RCV is very tight within the turning head but the manoeuvre was possible.
- 5.34 Notwithstanding that the previous scheme was acceptable in highway safety terms. Arguably, this scheme is an improvement when compared to the previous as two separate vehicular accesses were proposed. The existing access for the bungalow retained to serve plot 1 and the rest of the plots accessed by a new entrance. This would have led to a proliferation of accesses in close proximity to each other. As noted, only one access is now proposed, which is considered to be an improvement against the previous scheme in highway safety terms.
- 5.35 OCC have no objections to the scheme subject to S106 contributions towards highway works and public transport infrastructure and highway conditions.
- 5.36 The proposed development therefore is acceptable in highway safety terms and accords with policies T1, T2, and T3 of the West Oxfordshire Local Plan 2031 and the NPPF.

Drainage and Flood Risk

- 5.37 Refusal reason 3 of the previous application stated 'the proposed development fails to provide an acceptable SuDS solution in line with Local and National Standards and water quality standards are not met'.
- 5.38 The Lead Local Flood Authority objected to the previous scheme and they are also currently objecting to this scheme. However, in their comment dated 07/02/2022 they stated 'generally we don't have an objection to the SuDS design principles. However, additional and corrected information should be provided for the LLFA to be able to fully review'. Officers also note the number of comments received relating to foul drainage (sewerage) issues in the area. TWA have commented on this aspect of the scheme and are satisfied that there is capacity in the foul water sewerage network to accommodate the needs of the development. There are no objections in regards to foul drainage therefore. The LLFA have also not raised water quality standards as a concern.

- 5.39 The site is in flood zone I and is therefore at the lowest risk of flooding. Nonetheless, the proposed development must provide a detailed surface water management strategy in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. The applicant has submitted additional information in relation to this and the LPA is awaiting the reply from the LLFA.
- 5.40 Officers are satisfied that the proposed development will not increase flood risk at the site or elsewhere, subject to an acceptable drainage strategy being agreed and officers consider that this technical issue can be overcome. It may be that this is overcome prior to the application being heard at the April 19th Committee, if that is the case, officers will update Members on the additional representations report. Should that not be the case, officers would request that this application be delegated back to officers to overcome this drainage matter.

Trees and Ecology

- 5.41 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.
- 5.42 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.
- 5.43 Most of the existing trees on the site are to be removed, although the submitted tree schedule indicates that all of the trees are defined as category C and of low overall quality. As such, the loss of these trees is acceptable.
- 5.44 The impact to biodiversity, particularly that biodiversity net gain (BNG) was not proposed, formed refusal reason 4 of the previous application. In response, the applicant has submitted a biodiversity net gain calculation.
- 5.45 The proposal would result in a loss of biodiversity, but this loss would be of low value habitats (part garden and part field), as evaluated in the Ecological Survey Report, and there is minimal ecologically meaningful opportunity within the proposed development site to create new habitat (other than hedgerows). The majority of the site would remain within residential garden use and it would therefore be difficult to ensure delivery and ongoing management of the required biodiversity units.
- 5.46 The applicant has stated that they are willing to pay a sum of money to ensure 10% BNG can be achieved off site. The Council's biodiversity officer has commented on this and stated 'I am supportive of the approach advocated by the agent for the 10% biodiversity net gain to be secured as a financial payment towards habitat creation off-site. There are potential opportunities for this to be delivered within the local area, for example the Wychwood Project, which could be explored via a broker such as the Trust for Oxfordshire's Environment (TOE) in partnership with the council'.
- 5.47 The proposed development is unlikely to result in the loss of protected species habitats. However, the development would lead to a reduction in biodiversity value at the site and full on-site mitigation is not achievable. Compensation for residual harm is therefore required. In this regard, although The Environment Act 2021 has now passed, secondary legislation is required for

it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. Furthermore, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. The applicant has stated that they are willing to agree off site biodiversity net gain of 10% through a financial contribution. This is above what is currently required by law and national or local policy.

- 5.48 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF (subject to complying with the conditions and paying the sum required). As such, the proposal would not have an unacceptable effect on biodiversity and the proposal accords with Policy EH3 in that regard. Indeed, arguably, while off site, the scheme is likely to improve biodiversity value when taken holistically. Refusal reason 4 is overcome therefore.

Residential Amenities

- 5.49 Residential amenity was not raised as a refusal reason previously and as assessed, the layout of the site is broadly the same as the previous scheme. Nonetheless, an assessment is still completed below.
- 5.50 Adopted Local Plan Policy OS2 states that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. In terms of the properties fronting onto Common Road (Nos 42-38), Plot 10 would be located to the rear of Nos 42 and 40. The dwelling would be off-set from the boundary by approximately 2m with the closest element comprising a single storey car port. Given the proposed form of the development and generous depth of the gardens to Nos 42 and 40 (over 20m), it is not considered that the proposed development would have a significant adverse impact through overbearing or over-shadowing. In addition, there are no facing windows between Plot 10 and Nos 42, 40 and 38.
- 5.51 Concerns have been raised in relation to the new access road passing to the side of No 42 and its impact on their amenity through noise, vibration and air quality. No 42 is however separated from the site with a single storey garage and appropriate boundary treatment could ensure that there would be no significant loss of amenity.
- 5.52 The dwellings backing onto properties fronting onto Common Close would have gardens in excess of 11m and window to window distances of approximately 30m. This exceeds the 22m industry standard required for facing window distances. Those new dwellings to the south of the site would predominantly overlook onto open land.
- 5.53 Whilst the new pair of semi's adjoining No 46 would be sited slightly further forward in the plot, this is an overlap of just 4m and would be located to the north of No 46, as such loss of light and overshadowing is unlikely. Also, the side window of No 46 is noted. However, this is a small side window at second floor so is unlikely to allow significant views out of to detrimentally affect the privacy of the proposed dwellings. In addition, this window is north facing, so receives very little direct sunlight. The proposed dwelling (plot 1) is unlikely to adversely affect sunlight into this window.
- 5.54 Taking all of this into consideration, officers are satisfied that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition sufficient private external amenity space is proposed for each property.

S106 matters

- 5.55 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.
- 5.56 Policy H3 requires that 40% of the homes are provided as affordable housing. However, the proposed development does not propose sufficient floorspace that would engage Policy H3. Nonetheless, the applicant is proposing to provide two affordable homes and this will be secured via the S106.
- 5.57 OCC seeks Household Waste Recycling Centre contribution of £940.
- 5.58 OCC seeks Highway works contribution for the part funding of a shared use cycle-track along the A4095 of £ 10,000.
- 5.59 OCC seeks Public transport services contribution for improved public transport in this area of £10,510.
- 5.60 OCC seeks Public transport infrastructure (if not dealt with under S278/S38 agreement) for replacement poles, flags and timetable cases at the Common Close bus stops of £2,330.
- 5.61 OCC require the Applicant to enter into a S278 agreement and a S38 agreement to mitigate the impact of the development.
- 5.62 Refusal reason 5 of the previous application was related to not entering into a legal agreement. The applicant has stated that they are willing to enter into a legal agreement to secure the above contributions.

Conclusion (including previous refusal reasons) and Planning Balance

- 5.63 The Council has recently undertaken a review (December 2021) and concludes it has a 5.3 year supply. Footnote 8 and Paragraph 11 of the NPPF are not therefore engaged; and the local plan policies which are most important for determining the application are not out-of-date and can be afforded full weight.
- 5.64 Policy H2 permits new dwellings 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'.
- 5.65 The proposed development would add 9 dwellings (net) to West Oxfordshire Council housing stock. While WODC can demonstrate a five year supply of deliverable housing land, this is not a supply ceiling and officers are mindful of the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF). Furthermore, two affordable homes are provided. In light of this affordable housing provision and the addition of 9 homes (net), officers are satisfied

that the proposal would accord with Local Plan Policy H2 insofar as it relates to meeting identified housing needs.

- 5.66 The part of refusal reason 2 relating to mix of property types and sizes is not overcome as both the previously refused scheme and the current scheme propose the same mix of bedroom numbers (seven 3 bed homes and three 4 bed homes). As such, the conflict with Policy H4 remains.
- 5.67 This application therefore overcomes the part of refusal reason 2 that relates to affordable housing (but not mix of housing) and the parts of refusal reason 1 that relate to the need for the homes (H2).
- 5.68 However, H2 is clear in that proposals that accord with H2 also must accord with the Local Plan, in particular the general principles in Policy OS2. There are insufficient differences in terms of the general design, scale, form and layout that would warrant coming to a different conclusion than the previous refusal. As such, the development conflicts with Local Plan Policies OS2 and OS4 in terms of the design, scale, form and layout of the proposed development and Policy EH2 as it would fail to protect or enhance the local landscape and the setting of the village, and would fail to conserve the natural environment. The parts of refusal reason 1 relating to design, scale, form, layout and landscape therefore are not overcome. other policies in.
- 5.69 With regard to refusal reason 3 (SuDS solution in line with Local and National Standards and water quality standards). The LLFA have not raised water quality standards as a concern. As such, this element of refusal reason 3 is overcome. In addition, the site is in flood zone 1 (at the lowest risk of flooding) and while the LLFA are still objecting to the proposed drainage scheme, officers consider that this technical issue can be overcome. It may be that this is overcome prior to the application being heard at the April 19th Committee, if that is the case, officers will update Members on the additional representations report. Should that not be the case, officers request that this application be delegated back to officers to overcome this drainage matter. Officers are confident that refusal reason 3 can be overcome.
- 5.70 Moving to refusal reason 4 (biodiversity net gain (BNG)). There would be a loss of on-site biodiversity. However, subject to a financial sum being submitted and control through condition discharge submissions, a 10 % biodiversity net gain would be achieved. Officers acknowledge that this is above the minimum requirements. This overcomes refusal reason 4.
- 5.71 The applicant has agreed to enter into a legal agreement to secure the provision of affordable housing and contributions to public transport highways improvement schemes and waste. This overcomes refusal reason 5.
- 5.72 Application (ref. 20/02900/FUL) was refused in March 2021 for 10 homes on this site and this report has dealt with those reasons for refusal in detail. To summarise, refusal reasons 3, 4 and 5 are/can be overcome and refusal reasons 1 and 2 are part overcome. As some conflict with Local Plan policies remain, a planning balance is required to weigh up the benefits of the scheme against this conflict.
- 5.73 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts moderate weight.

- 5.74 There would be a loss of on-site biodiversity however, offsite 10 % biodiversity net gain would be achieved. Officers acknowledge that this is above the minimum requirements. However, this attracts modest weight commensurate with the scale of development.
- 5.75 Financial contributions to local services/infrastructure through a Section 106 agreement is also a positive impact. This attracts moderate weight commensurate with the scale of development.
- 5.76 The proposed development would add 9 (net) dwellings in a sustainable location to West Oxfordshire District housing stock. In light of the Government's objective of significantly boosting the supply of homes, this attracts significant weight.
- 5.77 As of 04/04/2022, 119 applicants were registered on the Council's Homeseeker+ system to rent a home in North Leigh. In addition to these 119 applicants there are a further 2426 applicants on the wider district waiting list that could benefit from the development of affordable housing. It is clear that there is a need for affordable housing in North Leigh (and the wider district). While this application only proposes two affordable homes, in light of this identified need, this provision carries significant weight.
- 5.78 The proposed development would cause some harm to the character and appearance of North Leigh and its landscape setting. When considering the scale of the development proposed, this harm is considered to be moderate. In addition, the proposed mix of homes is unsatisfactory as only 3 and 4 bedroom homes are proposed. However, commensurate with the scale of development, this harm is considered to be modest.
- 5.79 As identified, significant weight is attributed to the addition of 9 new homes in a sustainable location. Significant weight is also applied to the provision of two much needed affordable homes. Positive weight is also attributed to 10% BNG, economic benefits from the construction phase and beyond, and contributions to public transport highways improvement schemes and waste.
- 5.80 Officers are satisfied, on balance, that the benefits of the scheme outlined overcome the moderate conflict when assessed against the Local Plan as a whole. The application is therefore recommended for approval.
- 5.81 However there are some outstanding technical matters and officers request delegated authority to determine the application subject to no new technical matters being raised, a S106 being completed and to confirm the final conditions with the Chairman.

6. CONDITIONS

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

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

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

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

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

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, AA, B, C, D, E, and G shall be carried out other than that expressly authorised by this permission.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the side elevation(s) of the building(s) hereby approved.

REASON: To safeguard privacy in the adjacent properties.

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

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

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

REASON: To prevent pollution of the environment in the interests of the amenity and to accord with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

8 The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 Guidance for Sound Insulation and Noise Reduction for Buildings (or later versions).

REASON: In the interests of residential amenity.

9 Prior to work commencing on the site, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following details:

Development contacts, roles and responsibilities

Public communication strategy, including a complaints procedure.
Dust suppression, mitigation and avoidance measures.
Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
Details of parking and traffic management measures.
Avoidance of light spill and glare from any floodlighting and security lighting installed.
Wheel washing facilities

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

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

REASON: To ensure a safe and adequate access.

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

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

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

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

- 13 The carports hereby permitted shall be used for the parking of vehicles and ancillary domestic storage only and shall not be enclosed or used as additional or independent living accommodation without the prior approval, in writing, of the Local Planning Authority.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety and to protect the amenity of nearby occupiers.

- 14 Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. 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.

- 15 No development shall commence unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider to deliver the required 0.5 biodiversity units has been submitted to and agreed in writing by the Local Planning Authority.

The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.

REASON: To secure the delivery of off-site measures to ensure that a biodiversity net gain is achieved in accordance with Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.

- 16 The development shall be completed in accordance with the recommendations in Section 6 of the Ecological Survey Report dated September 2020 prepared by Philip Irving (pages 10 to 12 inclusive), as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained and maintained.

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

- 17 Before the erection of any external walls of the new dwellings hereby approved, full details of the following biodiversity enhancements shall be submitted to, and approved in writing by, the local planning authority:

- At least 1 no. integrated bat box integrated into each of the northern elevations of the properties on plots 1, 3, 4, 5 and 6 (i.e. 5 no. boxes in total);
- Clusters of at least 3 no. integrated swift bricks into the northern elevations of the new buildings on plots 2, 7, 8, 9 and 10 (i.e. 15 no. swift bricks in total); and
- Creation of gaps beneath fencing to provide 'hedgehog highways'.

The details shall include technical drawings showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained and maintained.

REASON: To provide biodiversity enhancements and ensure permeability through the site for hedgehogs in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 A Hedgerow Planting and Management Plan (HPMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development hereby approved. The content of the HPMP shall include, but not necessarily be limited to, the following information:

- Full landscaping specification for the planting of new native and species-rich hedgerows (at least 6 no. native tree/shrub species) and enhancement of the existing hedgerow, including species composition and planting regime (e.g. double staggered rows);
- Aims and objectives of the long-term management of existing and new hedgerows;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- An annual work schedule (i.e. identifying timing of management operations); and
- Details of how the HMP will be communicated to the occupiers of the development (e.g. as part of a 'homeowners information pack' or similar).

The planting of the new hedgerows and the provision of the management plan to new residents shall be implemented in full in accordance with the approved details.

REASON: To ensure that new hedgerows are planted and maintained appropriately in order to enhance their biodiversity value, for example for nesting birds, pollinating insects and hedgehogs, in accordance with paragraphs 174, 179 and 180 of the NPPF, 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.

INFORMATIVES:-

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - Wall, ceiling, roof, and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling measures
 - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

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

- 3 The Acoustics Ventilation and Overheating Residential Design Guide. Version 1.0 (Jan 2020) provides current additional valuable guidance.
- 4 If any of the roads within the new development are to be offered up for adoption to the Local Highway Authority, a S38 Agreement will be required. For any private roads, a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

- 5 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.
- 6 Several "offset" providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire's Environment (TOE) - <https://www.trustforoxfordshire.org.uk/biodiversity-offsetting> . The number of Biodiversity Units required to delivery biodiversity net gain for this permission is 0.5.

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

For more information on hedgehog highways, please visit <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

With regard to the condition for bat and bird boxes, it is recommended that at least 1 no. bat box be integrated into the southern elevations of plots 1, 3, 4, 5 and 6; and clusters of at least 3 no. swift bricks be integrated into the northern elevations of plots 2, 7, 8, 9 and 10. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in>

With regard to hedgerow planting, a mixture of the following native tree/shrub species is considered to be appropriate for this location: Dog rose, Elder, Field maple, Field rose, Guelder rose, Hawthorn, Hazel, Holly, Honeysuckle, Hornbeam, Oak, Spindle, Wild privet and Wych elm.

Notes to applicant

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - Wall, ceiling, roof, and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling measures
 - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

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

- 3 The Acoustics Ventilation and Overheating Residential Design Guide. Version 1.0 (Jan 2020) provides current additional valuable guidance.
- 4 If any of the roads within the new development are to be offered up for adoption to the Local Highway Authority, a S38 Agreement will be required. For any private roads, a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk
- 5 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.
- 6 Several "offset" providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire's Environment (TOE) - <https://www.trustforoxfordshire.org.uk/biodiversity-offsetting>. The number of Biodiversity Units required to delivery biodiversity net gain for this permission is 0.5.

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

For more information on hedgehog highways, please visit <https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>

With regard to the condition for bat and bird boxes, it is recommended that at least 1 no. bat box be integrated into the southern elevations of plots 1, 3, 4, 5 and 6; and clusters of at least 3no. swift bricks be integrated into the northern elevations of plots 2, 7, 8, 9 and 10. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in>

With regard to hedgerow planting, a mixture of the following native tree/shrub species is considered to be appropriate for this location: Dog rose, Elder, Field maple, Field rose, Guelder rose, Hawthorn, Hazel, Holly, Honeysuckle, Hornbeam, Oak, Spindle, Wild privet and Wych elm.

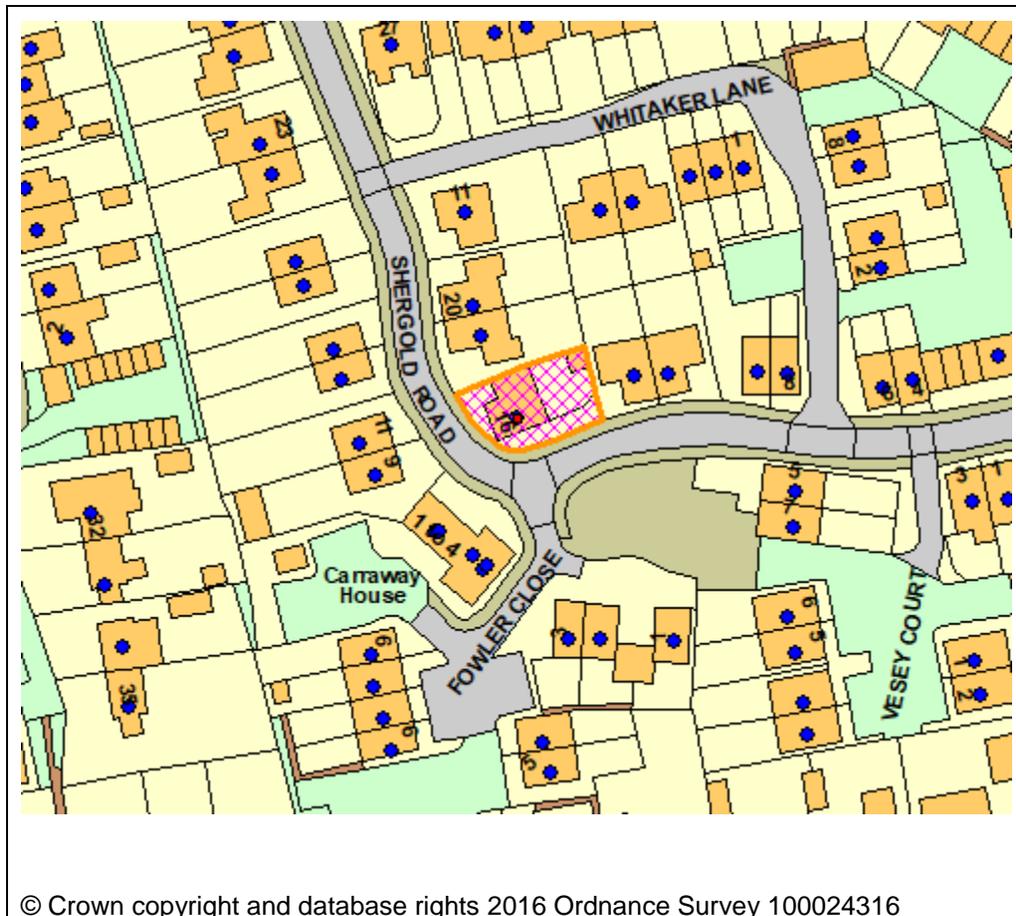
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 11th May 2022

Application Number	22/00198/FUL
Site Address	16 Shergold Road Bampton Oxfordshire OX18 2FG
Date	11th May 2022
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431867 E 203679 N
Committee Date	23rd May 2022

Location Map



Application Details:

Conversion of part of the existing garage to a hairdressing salon. (Retrospective).

Applicant Details:

Mrs Dawn Steele
16 Shergold Road
Bampton
Oxfordshire
OX18 2FG

I CONSULTATIONS

OCC Highways

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

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

WODC Env Health - Lowlands

I have no objections to the application but would recommend the conditioning of opening hours as specified within the application.

No amplified music or sound reproduction equipment used in association with the unit shall be audible at the boundary of any noise sensitive property (residential dwelling/house) or on the adjoining highway, during the opening hours as specified within the application.

Reason: In the interest of safeguarding the aural and general amenities of neighbouring dwellings.

Parish Council

Objection on the basis that we do not believe this is single house owner operating from home. There is clearly only 1 parking space in front of the garage and the 2nd parking space doesn't have a drop kerb. Visitor parking is for everyone in that area.

If you are minded to approve this application we request that it is a temporary approval for this applicant only, renewable every 3 years.

2 REPRESENTATIONS

2.1 No representations received

3 APPLICANT'S CASE

3.1 This is a retrospective planning application for the occupier of 16 Shergold Road to operate a very low key hairdressing business from the property. The garage has been converted in order to provide a salon space and the remaining space is used to store bicycles and garden equipment. The application has been submitted following receipt of a complaint to the Council.

3.2 The applicant has advised that she has a maximum of 4 clients in any given day but not every day. She often sees clients in their own homes. She does not work at weekends and does not have an assistant. Whilst she advertises that she operates between 9am-5pm Monday to Friday she only works periodically through the day allowing for school runs and caring for her mother.

3.3 There is car parking space on the site and also one car parking space opposite the property which is available for use by visitors to the estate.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

T4NEW Parking provision

E1NEW Land for employment

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

5 PLANNING ASSESSMENT

5 Background Information

5.1 This application is retrospective and is before Members for consideration because the Parish Council has raised an objection to the development.

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

Principle

5.2 The principle of this type of low level business use within a residential area can be considered acceptable subject to the amenity of neighbouring occupiers not being adversely affected by the business activity and highway safety and convenience not being compromised.

Highways

5.3 Given that the visitors to the property will be within the working day (Monday to Friday only) and not at weekends and given the limited number of visitors in any given day, it is highly unlikely given the off street parking provision that the level of use will be harmful in highway terms. County Highways has concurred with this assessment in raising no objections.

Residential Amenities

5.4 The activities carried out in the course of a hairdressing business are not ones that in the normal course of events are likely to make any or excessive noise. Given that the number of visitors to the property at any one time will be low, 'one to one' treatments, customers entering or leaving the premises are not going to intrude on the amenity of neighbours.

Conclusion

5.5 Notwithstanding the above assessment, in order to ensure that the levels of business activity remain low key in the interests of both neighbour amenity and the provision of off street parking, Officers are recommending a number of conditions which include the following:

A Personal and temporary consent (2 years) to allow for a full assessment of the affects of the development prior to considering a permanent consent;

Limited hours and days of operation, excluding weekends;

Limiting the maximum number of customers in any one day to four;

The requirement to keep a log of appointments.

Members will note that your Environmental Health Officer has suggested the imposition of a condition relating to amplified sound. In your Officers opinion such a condition is unreasonable and unnecessary given that the business is a hairdressers based in a residential property.

Subject to the above conditions the application is considered acceptable and compliant with policies OS2 and T4 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

6 CONDITIONS

- 1 The use hereby permitted shall be carried on only by Dawn Steele and shall be for a limited period of two years from the date of this notice, or until the premises cease to be occupied by Dawn Steele, whichever is the sooner.

REASON: A permanent and non-personal permission is inappropriate until the effects of the development on the area have been assessed.

- 2 The premises shall not be open for customers outside the hours of 09:30 to 16:30 on Mondays to Fridays. The schedule of appointments shall be made available to the Local Planning Authority on request. and shall not exceed more than four customers in any one day.

REASON: To safeguard the living conditions and highway safety and convenience of nearby occupiers.

- 3 Appointments shall be booked so as to ensure that only one client is on the premises at any time.

REASON: To protect the amenity and highway safety and convenience of neighbours.

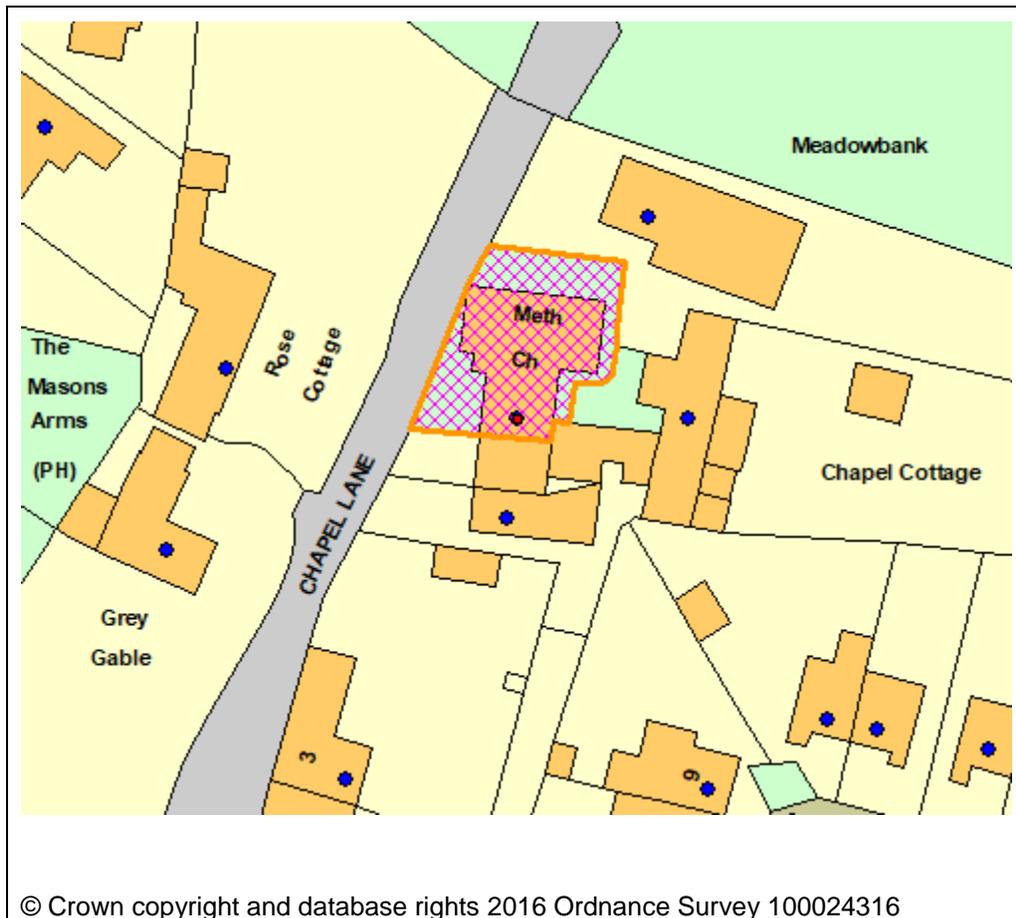
Contact Officer: Kim Smith

Telephone Number: 01993 861676

Date: 11th May 2022

Application Number	22/00465/FUL
Site Address	North Leigh Methodist Church Chapel Lane North Leigh Witney Oxfordshire OX29 6SD
Date	11th May 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438683 E 213042 N
Committee Date	23rd May 2022

Location Map



Application Details:

Conversion of church to dwelling (part retrospective) (Amended plans).

Applicant Details:

Mr Guy Kemball Williams
50 Garden Flat
Redcliffe Gardens
London
SW10 9HB

I CONSULTATIONS

Parish Council

NLPC OBJECTS to the application

Comments;

Condition 4 of the previous approval 18/03415/FUL, states;
"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the elevation(s) of the building. REASON To safeguard privacy in the adjacent property."

Application 22/00465/FUL includes numerous additional rooflights and alterations to existing windows which will impact on the privacy of adjacent properties. This is a direct contradiction of the earlier prohibition and should therefore be rejected.

OCC Highways

The existing use has the potential to generate a greater number of traffic movements than that proposed. The proposal, if permitted, will result in a reduction of movements along the narrow lane.

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

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

WODC Drainage Engineers

Confirmation is required whether the development resulted in an increase of the building footprint. If that is not the case, all that will be required is for the existing s/w drainage to be surveyed and repaired/ renovated as necessary.

WODC Env Health - Lowlands

Thank you for the opportunity to consult.
I have no objection in principle.

2 REPRESENTATIONS

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

Six third party objections received relating to:

- 1) Contravene previous conditions;
- 2) Overlooking and loss of privacy;
- 3) Not enough room to erect scaffolding;
- 4) Limited space for skips, turning for lorries delivering building materials and restricted parking for builders vans;
- 5) Any damage to Chapel Lane must be made good;
- 6) Planners should make a site visit;
- 7) No site notice as of 08/03/2022;
- 8) Insufficient parking and turning areas;
- 9) Future applications;
- 10) Highway safety;
- 11) Fencing;
- 12) Land ownership; and
- 13) Scheme is too large.

3 APPLICANT'S CASE

3.1 No planning statement was submitted to support this application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

T1NEW Sustainable transport

T4NEW Parking provision

EH12 Traditional Buildings

EH16 Non designated heritage assets

EH3 Biodiversity and Geodiversity

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The site North Leigh Methodist Church which is located to the east of Chapel Lane. The site is located amongst a number of residential properties and does not fall within any special designated areas of control. There are three Grade II Listed Buildings nearby including the Masons Arms, Windmill Cottage and Gable Cottage. However, these are located around 50m-60m away from the site and do not read within the visual context of the former church itself. The church is currently vacant.
- 5.2 Planning permission was granted in March 2019 to change the use of the building to a dwelling (ref. 18/03415/FUL). That permission did not propose any external alterations.
- 5.3 The submitted application form for the current application states that the previous permission was implemented on 29/04/2021. The applicant states that foundations were dug internally for the supporting posts. Officers are satisfied that this constitutes a material start and therefore the previous permission is extant.
- 5.4 The proposed development is the conversion of the church to a dwelling (part retrospective). It is described as 'part retrospective' as the development has begun. However, as the previous permission was lawfully implemented, the 'part retrospective' element is not wholly accurate. The difference between this application and the previous is that the current scheme seeks the installation of eight roof lights and the change of one window on the north elevation to a door to include a set of steps and a handrail.
- 5.5 Formal pre-application advice was provided to the applicant to inform the current scheme. However, while the design changes advised in the pre-application advice were completed, the roof lights as submitted were low in the roof slopes and would have allowed some views into neighbouring properties. Officers have secured amended plans to ensure the roof lights are a minimum of 1.7m above the internal floor of the room they serve.
- 5.6 This application is before the Committee as the Parish Council have objected.
- 5.7 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;
Design;
Highways;
Residential Amenities; and
Other Matters

Principle of Development

- 5.8 As noted, planning permission was granted in March 2019 to change the use of the building to a dwelling (ref. 18/03415/FUL). Officers are satisfied that permission was lawfully implemented. As such, the principle of the change of use to a dwelling has been established and is not considered as part of this application.

Design

- 5.9 The building is a former church and is shown on 1875-1887 historic OS maps. It is therefore of some historic interest. However, it is not formally locally listed and the previous planning history at the site has not identified the building as a non-designated heritage asset. Nonetheless, the uncluttered roof slopes, arched windows and entrance door, scale and materials clearly indicate that the building is a church. It is important that any external alterations respect these features to ensure the character of the building is protected.
- 5.10 In terms of the physical changes to the building, these are the installation of eight roof lights and the change of one window on the north elevation to a door to include a set of steps and a handrail. The installation of eight roof lights would interfere with the currently uncluttered roof slopes. However, these would be spread throughout the elevations such that three would be on the west (street facing) and three on the east (rear facing) roof slopes. The northern and southern elevations would have just one roof light each. This dispersion combined with the very modest size of the roof lights and that the roof lights would be of a conservation type (secured by condition) ensures that the roof lights would not be on over proliferation of alterations in the roof slopes, thereby protecting the simplicity of the roofs.
- 5.11 Turning to the new door and steps, the door would be in place of an existing window and the arches of the window would be retained above the new door. The steps and handrail are modest in size and would form a symmetrical and simple feature leading to the new door. The simplicity of these features reflect the character of the building.
- 5.12 Overall, officers are satisfied that the proposed external changes will preserve the historic character of the building. The building would clearly read as a converted church. In addition, the changes would not be harmful to the character and appearance of the wider area or nearby built form.

Highways

- 5.13 The proposed dwelling will have four bedrooms and two parking spaces are shown on the submitted plan (along the northern elevation of the building). Furthermore, the site is within the built up area of North Leigh so has reasonable access to local goods and services and parking is unrestricted in the immediate area. As such, two parking spaces is sufficient to accommodate the parking needs of the four bedroom dwelling.
- 5.14 Officers acknowledge that Chapel Lane is narrow. However, the lane serves several dwellings such that traffic movements in the area are commonplace. Furthermore, the County Council Highways Team have not objected to the scheme and have highlighted that the previous use as a church would have generated a greater number of traffic movements than the dwelling now proposed. Therefore, the proposal will reduce movements along the narrow lane.
- 5.15 Officers are satisfied therefore that the proposed development is acceptable in highways terms.

Residential Amenities

- 5.16 In terms of amenity, the building exists and as such will not create overbearing, overshadowing or loss of light impacts. In addition, the immediate area is distinctly residential such that unacceptable noise, pollution (including light), odours or vibration impacts are unlikely. Indeed, officers consider

that the use of the building as a church would have generated a higher level of noise and disturbance in terms of the use of the church for services as well as vehicle movements and parking. The use of the property as a single dwelling house would result in less noise and disturbance than could result from its use as a church.

- 5.17 Officers note the objections received relating to loss of privacy and overlooking impacts from the new roof lights and door. As some of the roof lights were low in the roof slopes, the design as submitted would have allowed some views into neighbouring properties. Officers have now secured that all of the roof lights are a minimum of 1.7m above the floor of the room they serve. Further, owing the changes in internal floor levels, some of these windows are in excess of 2m above the floor of the room they serve. The new access door is into an open area where privacy is not expected. As such, the revised siting of the roof lights and new door will not allow views into neighbouring properties and loss of privacy and overlooking impacts are unlikely.
- 5.18 The assessment of the previous application found the external amenity space proposed be adequate and consistent with other properties nearby. The previous assessment also found that the orientation of the building in relation to neighbouring properties would not result in any undue overlooking or loss of privacy. The current scheme broadly accords with the previous, such that the previous assessment has not materially changed. However, a condition to remove permitted development rights for windows, extensions and outbuildings was included on the previous permission (so any further changes to the building will come under control). This is recommended to be replicated for this permission.
- 5.19 Officers are satisfied that the proposed development is acceptable in residential amenity terms.

Other Matters

- 5.20 Neighbour concerns were raised with regard to scaffolding, space for skips, turning for lorries delivering building materials, restricted parking for builders vans, and that damage to Chapel Lane should be made good. These are not material planning considerations and have not attracted any weight in this assessment.
- 5.21 Neighbour concerns were raised regarding the placement of the front boundary fence. Officers do not have any concerns from a design or highway safety perspective with regard to the new fence.
- 5.22 Officers note neighbours are concerned about land ownership, this is a civil matter.
- 5.23 Objections were also raised that the new roof lights would contravene conditions on the original consent. Conditions were indeed added to the 2019 approval to prevent roof lights/windows/extensions being added without planning control. As such, the applicant must apply to the Council for approval before adding roof lights etc. and that condition has necessitated this application.
- 5.24 Officers visited the site on 15/03/2022 and the site notice was in place.

Conclusion

5.25 The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

6 CONDITIONS

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

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

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

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, AA, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

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

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

REASON: To safeguard privacy in the adjacent properties.

- 5 The new roof lights shall be of a design which, when installed, shall not project forward of the roof slope in which the roof lights are located and shall be permanently retained as such thereafter.

REASON: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings.

INFORMATIVES :-

- 1 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Wall, roof and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy efficient appliances and water recycling measures
 - Sustainably and locally sourced materials

For further guidance please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

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

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

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

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

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

Notes to applicant

- 1 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Wall, roof and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy efficient appliances and water recycling measures
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For further guidance please visit:

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Contact Officer: David Ditchett
Telephone Number: 01993 861649
Date: 11th May 2022