

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 15th August 2022

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



Purpose:

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

Recommendations:

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

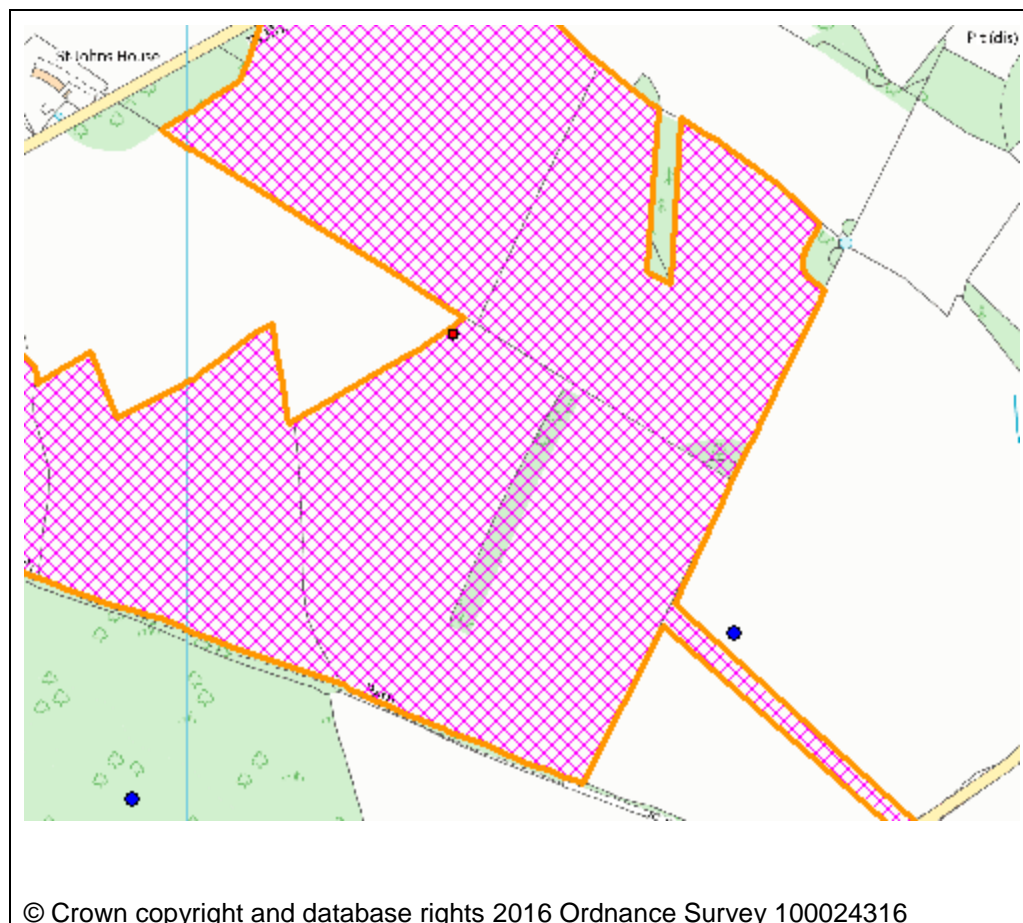
Please note that:

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

Page No. 13 - 39	Application Number 21/02473/FUL	Address Land South Of Ramsden Akeman Street, Ramsden	Officer Joan Desmond
40 - 63	22/00744/OUT	Land South Of Main Road, Curbridge	David Ditchett
64 - 78	22/00793/S73	Land To The Rear Of 65 High Street, Standlake	David Ditchett
79 - 91	22/01069/FUL	29 Mercury Close, Bampton	Esther Hill
92 - 95	22/01644/HHD	2 Windmill Heights, North Leigh	Emile Baldauf- Clark

Application Number	21/02473/FUL
Site Address	Land South Of Ramsden Akeman Street Ramsden Oxfordshire
Date	3rd August 2022
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Ramsden Parish Council
Grid Reference	435274 E 214587 N
Committee Date	15th August 2022

Location Map



Application Details:

Installation of a ground mounted solar PV and energy storage system together with associated infrastructure; security fencing, CCTV, access track, cable route and landscaping.

Applicant Details:

BSR Energy Limited
35 and 35A The Maltings
Lower Charlton Trading Estate
Shepton Mallet
BA4 5QE

I CONSULTATIONS**Parish Council**

Councillors voted to object to the application on the basis of the following:

Location - the location is inappropriate being close to a small village in a Conservation Area, close to the Cotswolds AONB boundary and St John's ancient woodland, and is bordered by the ancient Roman Road. This appears to be contrary to protection for maintaining distinctive rural characteristics described in the WODC Plan for 2031. This site lies within the Wychwood Project area where special attention and protection should be given to the landscape and biodiversity.

Archaeology - Concerns over impact of the development on nearby heritage assets including areas of potential archaeological interest being close to Akeman Street roman road. These are not adequately considered in the application.

Surface Water Management - the design of the water run-off plan is flawed and does not take account of the site contours and flow directions.

Landscape and Visual Impact - the design includes tree planting to hide the facility but this also hides the fine view of the North Wessex Downs. This fails to minimise impacts but simply changes the impact. Other mitigating solutions in the plan do not take account of locality, for example the saplings will not be protected from deer adequately.

Access - The site entrance is onto the B4022, which is a fast and dangerous route, with a history of serious accidents (the last one was 200m away from the proposed site entrance in September 2020, resulting in life changing injuries to three individuals)

In conclusion, Parish Council objects to this development as it will have a significant harmful impact on this sensitive landscape, archaeology, drainage and would be counter to the protection enshrined in the local plan.

District Ecologist

My initial comments (dated 11th August 2021) requested that further information regarding biodiversity net gain details were submitted before more detailed comments are provided for other aspects of biodiversity.

I understand that additional information (within the 'Review of submitted ecological information' report) has now been submitted by Bioscan (dated September 2021). Although this report is valuable when further reviewing all aspects of biodiversity, it does not

provide the requested information needed to undertake a review of the net gain calculations (as initially requested).

Please may the applicant refer to and address my previous comments provided on the 11th August 2021 relating to biodiversity net gain. As the most recent report submitted by Bioscan includes an updated habitat and species assessment of the site (due to inaccuracies in the existing baseline data), the net gain details will need to reflect these amendments too.

Therefore as previously stated, before I can proceed to review the application, additional information is required relating to the biodiversity net gain calculations and this is detailed within my comments dated 11th August 2021. Once this outstanding information has been submitted, I will be able to provide an adequate response for the planning application to address all aspects of biodiversity.

OCC Archaeological Services

A programme of archaeological evaluation will be required ahead of the determination of any planning application for the site. This evaluation will need to consist of a geophysical survey and a trenched evaluation. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

Major Planning Applications Team

Transport - Recommendation:

Objection for the following reasons:

- To meet the required visibility splay on Akeman Street, a hedge outside the red line plan must be relocated. The applicant must demonstrate that the hedge is situated in land controlled by the applicant. If the hedge is outside of land controlled by the applicant, the proposed visibility splays cannot be guaranteed.
- Sufficient detail of the proposed site access has not been provided for a proper assessment to take place. Vehicle tracking for max legal articulated vehicles entering and exiting the site in a forward gear should be provided.
- The CTMP must state that deliveries will not take place during the peak network hours of 08:00-09:00 and 17:00-18:00

Landscape - Recommendation:

- to consult the Cotswolds National Landscape conservation board on the proposal
- to seek further strengthening of existing and new boundary vegetation in line with existing landscape guidelines
- to secure appropriate long-term management of existing and new vegetation and habitats as part of any potential planning consent

- to add conditions for a Detailed Landscape scheme, a Landscape Management Plan, and Lighting to any potential planning consent

LLFA - No comments

District Ecologist

Before I can proceed to review the application, additional information is required relating to the biodiversity net gain calculations.

WODC Landscape And Forestry Officer

As set out in pre-application correspondence, the scale of the proposed solar farm would have a detrimental impact on this sensitive, historic, rural landscape. Whilst the amendments made to the layout since the original proposal are beneficial they do not satisfactorily address the fundamental problem of scale in this location. The scheme proposes the introduction of a wide range of industrial characteristics into a highly valued landscape from landscape character and ecological perspectives and due to the depth of its cultural, heritage and recreational qualities. Policy EH6, and its associated text, recognise the importance of minimising any adverse impacts of such schemes and emphasise that special attention needs to be given to proposals sited within the Wychwood Project policy area and the Wychwood and Lower Evenlode Conservation Target Area. If the principle of a solar farm is to be supported in this area, inconsistent technical information within the application documentation would need to be addressed and mitigation and on-going management details clarified. In order to meet the wide ranging, and often conflicting, mitigation objectives, and to ensure compliance with planning policy, there would need to be a significant reduction in the extent of panels across the site, together with meaningful environmental enhancements proportionate to the scale of negative effects brought to the local landscape. In accordance with EH6, environmental enhancements need to be in addition to those required to directly mitigate and compensate any adverse impacts of a proposal, especially at sites within Conservation Target Areas.

ERS Env. Consultation Sites

Mr ERS Pollution Consultation 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.

Regards

Jackie McLaren
Technical Officer - Contamination

Conservation Officer

From our point of view there are two particular areas of concern, viz:

1. Impact on the setting of Akeman Street: This was an important Roman road, as acknowledged in their Historic Environment Desk-Based Assessment. It was a major east-west route, linking Watling Street to the Fosse Way, and is a fascinating survival of part of an impressive network. We note that the section of Akeman Street to the north side of the site currently runs through peaceful rolling agricultural land, which would be transformed by this development. It is puzzling that their Historic Environment Desk-Based Assessment regards the change as 'superficial' which, in terms of the visual impact, it certainly would not be - because green fields would give way to a sizeable expanse of PVs and related technical equipment - all uncharacteristic and distracting.
2. Impact on the setting of the Ramsden Conservation Area: Because the site is screened from views within the CA by vegetation, their Historic Environment Desk-Based Assessment considers that the setting of the CA would not be affected. I would argue that the setting includes the land around the CA, in particular the approaches, and I would argue that views from the setting are important. And in this case the approach along Akeman Street would be impacted, as discussed above, with perhaps the greatest impact being

where the northern tip of the PV arrays comes close to Akeman Street - here only around 250 metres from the western edge of the CA.

So, in summary, it seems clear that the historic environment would be significantly impacted - and the benefits would need to be carefully weighed against this.

Adjacent Parish Council

Hailey PC has no objection to the this planning application however it would like to request the following conditions:

- The poor archaeological and flooding assessments need to be carried out properly and appropriate mitigating actions undertaken.
- The eight large batteries (shipping container size) do not need to be on the site of the solar park. The removal of these would
- significantly reduce HGV traffic to and from the park which is causing many objections. Removal of these would also mean that much of
- the removal of trees/hedges etc would not be necessary as such a large entrance would not be needed.
- The proximity of the site to the setting of the Cotswold AONB is of concern (the AONB is only 40m from the site). It also falls within the
- Wychwood Forest and borders Akeman Street and the Wychwood Way
- The muddled approach to the access from B4022, as it is mapped differently in different documents, needs to be rectified.

Adjacent Parish Council

No Comment Received.

Wychwood Project

No Comment Received.

Major Planning Applications Team

OCC - Transport - Objection for the following reasons:

The applicant needs to demonstrate that they own the required land to fulfil and maintain the required visibility splays. The application has been amended to resolve issues noted in the previous rendition. The CTMP has been altered to exclude deliveries from peak network hours. Vehicle tracking and access dimensions have been provided which are satisfactory.

The applicant stated that they own the land containing the hedge to be relocated.

Whilst this may be true, a red line plan showing this would prove it.

LLFA - Objection - Key issues:

- The FRA and drainage strategy is not in line with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire
- Greenfield runoff rates have not been calculated or used appropriately to show how all water will be managed on site and not increase flows post development. Incorrect soil type used.
- No calculations for all rainfall events and durations provided to support the estimated storage requirements.
- There are known flood risk issues in the area. WODC have made flood improvements to minimise water discharging down Akeman Street and into Ramsden.

OCC Archaeological Services

It has been brought to our attention that the applicant has submitted the results of an archaeological geophysical survey undertaken as part of the archaeological evaluation we had requested.

We were asked to agree a written scheme of investigation for this survey by Armour Heritage. The standards and guidance for archaeological geophysical surveys holds us responsible for monitoring the quality of such work and as a result we required that the VSI clearly state that a draft copy of the report would be provided to us for our comments before a final version was produced or made public.

The agreed written scheme of investigation therefore contained this provision and stated that 'The report will be submitted to the client in their preferred format as either paper copies, digital pdf copies or both of the above. Upon approval a draft copy will be forward to the OCAS for comment and approval. Following approval from all parties, copies of the report will be submitted to the LPA'

Despite this this report was submitted as part of this planning application before we were asked to comment on it and as such this has not been accepted as set out in the agreed VSI. Had we had the opportunity to comment on a draft copy of this as set out in the agreed VSI then we would have requested a number of changes such as more information as to why certain areas were removed from the survey and changes to the way the survey is presented. It would have been preferable for the report to contain plans showing the survey results and interpretation over the full area as well as the more detailed plans of certain areas to aid other consultees responses to this proposal.

Whilst this report has identified some areas of archaeological interest within the site such techniques cannot be relied up to identify all archaeological deposits on a site as there are many factors that can affect the reliability of the results. As such it is a standard requirement to test the results of such survey with archaeological trenching.

In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 194, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation.

This evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

Once a written scheme of investigation has been agreed it is essential that any fieldwork and subsequent report are undertaken in line with this agreed written scheme of investigation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

Major Planning Applications
Team

No Comment Received.

District Ecologist

I have the following comments where additional information is required before a positive determination of the application.

Updated survey information

The Phase I Habitat Survey of the site was carried out in December 2019 and therefore not only is this information now nearly 2 years old, the survey was not carried out at the optimal time of year and this may have affected the conclusions of the assessment. It is unclear why an updated assessment was not carried out during the further visit to the site in April, May and June 2020 (when the ponds and the status of breeding birds were assessed). I therefore advise that an updated assessment of the site is carried out within the optimal survey season in order to further understand the condition of the habitats on site.

A full data search from the local records centre (TVERC) should also be submitted along with the ecological assessment as this has not yet been detailed and only a summary of the search has been included. The data search should inform the recommendations and the mitigation undertaken on site.

Arable plants.

The updated survey should include a more detailed assessment of the plant species, including scarce arable plants, present within the arable fields. I understand that Bioscan recorded a number of

species that are indicators of scarce arable plant assemblages but these were not reported within Tyler Grange's ecological assessment. Therefore the updated assessment should fully assess the botanical interest of the site.

Hedgerows and Woodland.

I also do not consider the details relating to the condition and status of the hedgerows or woodland on site to be adequate. The ecological assessment seems quite vague when detailing the condition of these features. For example, no hedgerow assessment has been carried out so it is unclear whether hedgerows on site would qualify as "important" under the Hedgerow Regulations 1997 and/or classify as a habitat of principle importance under Section 41 of the NERC Act 2006. A full hedgerow assessment is therefore required, to detail the condition of each of the hedgerows including the ground flora present.

Further details also need to be provided to detail the status and condition of the wooded areas on site. Please may the updated ecological assessment further detail the species present in the under storey and ground layer and the status of these wooded areas.

The extent of hedgerow removal is also unclear as this has not been clearly detailed within the ecological assessment. Through reviewing the Arboriculture Impact Assessment, I understand that 46metres of H1 will be removed and translocated behind the visibility splay of the new access junction. This is shown in Figure 2 of the LEMP report but is not referred to within the ecological assessment and it is unclear where the specific location of the translocated hedgerow will be. It is also unclear whether the biodiversity metric spreadsheet considers the full extent of this loss (see further comments below relating to biodiversity net gain). Please can the full extent of hedgerow removal and translocation be detailed and for this to be adequately compensated for within the proposal.

It is unclear why the removal of the full 46metres of hedgerow cannot be avoided and therefore a full justification for this should be provided. The removal of this extent of hedgerow should be avoided if possible. If the hedgerow cannot be retained then the translocation would be acceptable. Please can this issue be addressed further.

Badger.

An active outlier badger sett has been found on site along the southern boundary as well as a disused badger sett within the central section of the site, near T12. A 30metre buffer must be provided around the setts, however, this does not seem to be the case. The proposed access road seems to bisect/run adjacent to the active badger sett along the southern boundary and this would therefore impact on the sett and the activity of the badgers. The

access track should therefore be moved outside of this 30metre buffer. For example, the access track could be located northwards, closer to the solar arrays, without impacting on hedgerow boundaries. This will need to be considered and the location of the access track should be revised.

Dormice.

Precautionary working for dormice is recommended within the report. However, given that 46 metres of one hedgerow along the western boundary of the site is to be removed, I advise that a full habitat assessment for dormice is undertaken to determine the suitability for the species and the impacts of these works. Please may the further assessment therefore be carried out.

Birds.

The ecological assessment notes that Linnet, Yellowhammer and Skylark were recorded on site. However, an associated map to show the results of the breeding bird survey has not been included within the report so the specific locations that the species are using is unclear. Please can these details be provided. Furthermore, the report does not consider the potential for wintering birds on site and no further survey was carried out to obtain this information. There are a number of records of bird species within the area, including that of Lapwing, and therefore there is potential for wintering birds to use the site and this should be further considered.

The suitability of the proposed open areas for Skylark on site should also be considered further as one of these areas is nearby the ancient woodland which could potentially reduce the suitability of the open habitat.

Bats.

The scheme will need to ensure that the hedgerows and woodland are not illuminated by external lighting and that the lighting of the wildlife corridors is avoided. Please can this be shown on the amended plans to be submitted.

Amphibians (including Great Crested Newts).

Parts of the site are located within the red and amber zones for Great Crested Newts (GCN), as per district licence impact risk mapping. This means that it falls within a landscape recognised as being suitable habitat to support GCN, and that GCN are likely to be present. There are also a number of waterbodies within 500metres of the site. Natural England's standing advice (March 2021) stipulates that applicants wishing to develop within red/amber zones must either demonstrate that their proposal poses no risk to GCN or they submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks and compensate for any impacts. This may result in

the need for a licence. The report notes that the ponds on site were dry when surveyed in 2020 but the on and off-site waterbodies (including both ponds and waterbodies) have not been labelled on the map within the ecological assessment and therefore it is unclear whether there is sufficient connectivity to waterbodies within the wider landscape. Please may further information therefore be provided and can the updated habitat survey (as requested above) include updated assessments of the ponds.

Reptiles.

The updated assessment of the site should confirm whether the condition/status of the habitats has changed since the previous assessment and whether there are now additional opportunities for reptiles (e.g. along the field margins and tall ruderal vegetation). Depending on the updated results, appropriate mitigation should be recommended.

Habitats Creation and Enhancement.

Although a number of habitat creation measures are proposed such as the creation of hedgerows, scrub, neutral grassland and rough grassland below the solar panels, I believe that there are also further habitat enhancement and creation opportunities on site. For example, the field margins could be enhanced and sown with a shade tolerant seed mix, additional hedgerows could be enhanced with native species, and additional ponds could be created within the open areas on site. The existing ponds could also be enhanced to benefit Great Crested Newts and other protected species. Please may the applicant consider further biodiversity enhancements and incorporate these into the associated reports, plans and biodiversity net gain calculations. Please note that all species to be planted should be native and locally characteristic.

Biodiversity Net Gain (BNG).

In line with the NPPF Chapter 15 and Local Plan policy EH3, all major planning applications should demonstrate a measurable net gain in biodiversity. A guidance note and accompanying data standard requirements have been published on the council's website Planning application supporting information - West Oxfordshire District Council (westoxon.gov.uk). Currently, the information that has been submitted for the planning application is not in line with the above guidance and therefore the applicant should ensure that reference is made to this guidance note.

The Biodiversity Net Gain report is quite vague in that the condition of the proposed habitats are not justified and the specific areas of habitat to be lost and created/enhanced is not provided. The report should also provide a detailed justification of how the Biodiversity Net Gain Good Practice Principles for Development (CIEEM, CIRIA, IEMA, 2016) and associated Practical Guide (2019)

are applied. Furthermore, the pre and post-development plans will need to be submitted alongside the biodiversity metric calculations and the Biodiversity Net Gain report and these should include the UK Habitat Classification rather than Phase I classification as well as the associated areas of habitat and associated GIS files. The biodiversity metric calculations should also be updated to reflect the full extent of habitat loss (including the extent of hedgerow loss as queried above) and consider the additional habitat creation opportunities, highlighted above. The LPA require these details to fully assess the planning application to ensure that the development is in accordance with the NPPF Chapter 15 and Local Plan policy EH3.

Other comments

The site is located adjacent to an ancient woodland (St Johns Wood) and is also within the Wychwood and Lower Evenlode Conservation Target Area (CTA). However, the ecological assessment fails to adequately consider this. Proposed habitat creation and enhancement should consider and contribute towards the objectives of the CTA and this should be included within the associated ecology reports. The location of the ancient woodland should also be recognised as the proposed access track may impact on the root protection areas of the trees and therefore a sufficient buffer to the woodland should be provided and the proposal should consider this.

Cotswolds Conservation Board

Given this relatively close proximity and the type of development being proposed, we recommend that the local planning authority (LPA) should consider potential visual impacts on the National Landscape (including the visual impact in winter conditions). In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account relevant Board publications:

We recommend that, if planning permission is granted, the solar farm should not extend into the most westerly field shown on the site location plan. This is because this field is in very close proximity to the boundary of the Cotswolds National Landscape and the landform in this field slopes towards the National Landscape. Avoiding development in this field would therefore help to reduce any potential adverse visual effects for receptors within (or on the boundary of) the National Landscape.

Major Planning Applications
Team

Transport - No objection.

The applicant has now provided an adjusted red line plan demonstrating that they own the land which needs to be altered to maintain the proposed visibility splays. The applicant has now resolved all of our initial highways issues and we no longer object to the granting of planning permission.

LLFA - Objection

Key issues:

- Drainage plan not detailed.
- How does the development follow the SuDS surface water discharge hierarchy.
- Provide calculations for the proposed ditches and basin.
- Provide surface water catchment plan.
- Provide surface water discharge rate and outfall location.
- Provide outfall details of the ditch and permission.
- Provide maintenance schedule for the proposed SuDS.

Archaeology - Objection.

Parish Council

Councillors voted by majority to continue to object to the application on the basis of the following:

Location - the location is inappropriate being close to a small village in a Conservation Area, close to the Cotswolds AONB boundary and St John's ancient woodland, and is bordered by the ancient Roman Road. This appears to be contrary to protection for maintaining distinctive rural characteristics described in the WODC Plan for 2031. This site lies within the Wychwood Project area where special attention and protection should be given to the landscape and biodiversity.

Archaeology - Concerns over impact of the development on nearby heritage assets including areas of potential archaeological interest being close to Akeman Street roman road. These are not adequately considered in the application.

Surface Water Management - the design of the water run-off plan is flawed and does not take account of the site contours and flow directions.

Landscape and Visual Impact - the design includes tree planting to hide the facility but this also hides the fine view of the North Wessex Downs. This fails to minimise impacts but simply changes the impact. Other mitigating solutions in the plan do not take account of locality, for example the saplings will not be protected from deer adequately.

Access - The site entrance is onto the B4022, which is a fast and dangerous route, with a history of serious accidents (the last one was 200m away from the proposed site entrance in September 2020, resulting in life changing injuries to three individuals) In conclusion, Parish Council objects to this development as it will have a significant harmful impact on this sensitive landscape,

archaeology, drainage and would be counter to the protection enshrined in the local plan.

2 REPRESENTATIONS

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

165 letters received objecting to the application on the following grounds:

- Significant landscape harm
- Too large and subject to insufficient mitigation and biodiversity offset measures
- This proposal fails to meet the criteria for exceptional circumstances and therefore should be refused.
- Harmful to wildlife
- Flood risk
- Loss of agricultural land
- No benefit to local community
- Negative impact on the village
- Not deliverable or sustainable
- Profound effect on the setting of the Cotswolds AONB
- Would cause irrevocable environmental and archaeological damage to the area
- Significant loss of visual amenity
- Totally out of scale with the local conservation area and the needs of local communities
- Traffic implications
- Will degrade setting of listed property (Gigley Farm)
- Contrary to national and local plan policies
- Fails to meet the criteria for exceptional circumstances

11 letters of support:

- Climate change crisis and need to reduce our carbon footprint.
- Solar parks massively increase biodiversity as the land is no longer chemically coshed for arable crops, neither is it trampled by livestock. Proven increases in biodiversity are seen in every group from insects, invertebrates, through to rodents, birds, mammals and plants. This would be a highly positive bonus if the park were to go ahead.
- Solar parks are a temporary and, in the vast majority of cases, a completely reversible land use.
- Modules and all other project components are reusable or readily recyclable through UK or European schemes.
- Minimal disturbance to the ground.
- The remainder of a field used for solar park development is still accessible for plant growth and potentially for wildlife enhancements and complementary agricultural activities such as conservation grazing.
- Solar parks are secure, long-term (25-40-year operational lifespans), require minimal human disturbance of the grounds, and have a very small infrastructure footprint - all attributes that make them good areas to enhance the ecological value of the landscape.
- Not visible from houses
- Use of green, renewable energy

1 letter of representation - If permitted - should be subject to strict conditions.

Solar Park Action Group - Summary of comments below. Whilst it is acknowledged that the application is for a renewable energy scheme, the SPAG are extremely concerned that the application fails to demonstrate that the proposed development would not have an adverse impact on the surrounding area. Indeed, it is considered that it would have a far more severe and long-term impact than has been suggested in the submission documents, and is therefore unacceptable in planning terms. As such, the SPAG wish to object to the application for the following primary reasons:

- Impact on views of the area as well as the setting of the nearby AONB;
- Impact on ecology;
- Impact on the local highway network;
- Impact on nearby statutory heritage assets;
- Impact on archaeological values of the site.

This letter should be read in conjunction with the following peer reviews that have been carried out on behalf of our client:

- Landscape and visual aspects review, prepared by the Landscape Partnership;
- Ecological review, prepared by Bioscan (UK) Ltd;
- Review on highways matters, prepared by MJA Consulting;
- Review of agricultural land classification assessment, prepared by Reading Agricultural Consultants.
- Issue of the vehicle types and traffic volume associated with establishing and maintaining the Landscape and Environmental Management Plan and softworks, and with flood prevention and run-off mitigation in the above application - All this activity gives rise to matters relating to Highway Safety and noise and disturbance which should require consideration at planning but cannot be, for lack of information. As such the application falls short of what would be needed for a full consideration.
- the government's intention for Grade 3B land to not be regarded as appropriate for solar provision, especially in current times when there is a key emphasis on the country being able to be self-sufficient for key crops. As such this should be considered as an important material consideration in the context of this application.

These documents have identified significant technical limitations with the submission documents which, in our view, require addressing prior to any decision being made

Conclusion - It is considered from the peer reviews that the proposed development has the potential to have a negative impact on the character, views and historic significance of the area. As such the application proposals do not accord with the relevant local and national planning policies and we urge West Oxfordshire District Council to refuse this application based on the information provided to date. It is also clear from the application proposals as submitted that there is a lack of information that is considered necessary for the Council to make a full and proper assessment of the proposed works. We are strongly of the view that no permission can be granted without all of these details being made available from the outset. We reserve the right to comment on any further information provided in due course.

Further letter sent advising that it is the government's intention for Grade 3B land to not be regarded as appropriate for solar provision, especially in current times when there is a key emphasis on the country being able to be self-sufficient for key crops. As such this should be considered as an important material consideration in the context of this application.

CPRE West Oxfordshire has considered the proposed solar farm on land immediately south of Akeman Street and while we accept there is a climate emergency and agree that renewable energy is not only

desirable but essential to reduce our carbon emissions, we also have a duty to protect the countryside from urban sprawl and ensure its landscape, so distinctive of the West Oxfordshire Cotswolds, endures for generations to come. We therefore object to the application on the following grounds:

Landscape. Despite the site being just outside the Cotswolds AONB, it is extremely close by a few metres and the industrial scale of the proposed development would be a significant incursion into open countryside in this distinctive and unspoilt part of the County. In this instance, we feel the plans to develop this area for solar energy would not outweigh the significant harm on the landscape and the tranquillity of the wider AONB setting and of the small village of Ramsden with its strong Cotswold village vernacular. The visual impact of the planned fences, CCTV and prefabricated buildings for welfare and storage would spoil the experience for walkers, riders and cyclists along Akeman Street and the fine far-reaching views characteristic of the region. The Cotswold Conservation Board, states that renewable energy developments should be located where...they are appropriate to the landscape character and they would not be a dominant feature in the landscape. Its size and its location on high open ground means that neither of these guidelines have been followed.

Biodiversity. The plans as they stand have not clearly demonstrated how this development will succeed in adding the mandated net gain in biodiversity. There has been insufficient environmental assessment despite the significant building of fences which will detrimentally affect hares, badgers and other foraging mammals.

Heritage. We note the objection from Oxfordshire County Council's Archaeological Services based on the evidence of nearby Roman, Bronze and Iron Age heritage assets. It would seem prudent for ground based archaeological assessments to be carried out and for the local authority to assess the significance [and] contribution [that any findings] make to their environment and the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future (NPPF Paras 187, 189).

British Horse Society - The BHS commends the recognition within this application of the various RoW that will be affected. The Society is also pleased to note that there is no intention to use the St John's Lane restricted byway (RB) as vehicular access during construction.

There however are several points of concern that we would like to highlight in respect of the safety of equestrians during the construction of this proposed development.

- Access to the site is proposed at an existing, complex junction
- If this development is approved, drivers of construction vehicles must be made aware that they are more likely to encounter equestrian users outside of suggested peak times in CTMP.
- Omissions in CTMP relating to earlier diversion
- Should this proposal be approved, we recommend that a temporary speed restriction be imposed on the B4022 for the duration of construction.
- Any approval of this proposal should include a Condition that drivers of construction vehicles (both cars and lorries) **MUST** give way to users of

PRoWs.

- The Society asks that the provision of Banksmen be made a Condition of any approval for this scheme

Witney Flood Mitigation Group - Despite this being a retrospective planning application for the Solar Farm at Ramsden, alterations have already taken place that affect flood risk in the Windrush and therefore Witney and these must be reversed.

3 APPLICANT'S CASE

3.1 The Planning Supporting Statement concludes as follows:

- 16.1. The proposed Project is a 'renewable energy' solution, a critical component of the Government's commitment to become carbon neutral by 2050.
- 16.2. West Oxfordshire D.C. pledged in 2019 to become carbon-neutral through their Climate Emergency Strategy by 2030.
- 16.3. The Project can be regarded as beneficial in respect of these targets and is supported by Local Plan Policy EH6 and Paragraph 151 of the NPPF.
- 16.4. Policy EH2 advises new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.
- 16.5. The visual sensitivity section of the LVIA explains the proposed Project will not be highly visible as the Site is well contained by the surrounding vegetation pattern typified by dense vegetated boundaries with mature trees and wide hedgerows.
- 16.6. Views into the Site are limited to those experienced from PRoWs which pass the western edge of the site, the Akeman Street (Wychwood Way) close to the northern extents of the site and from the network of lanes which pass by the Site to the south. Some glimpsed views are experienced from the PRoWs and roads east of the Site.
- 16.7. The proposed Project will result in some adverse effects in terms of visibility; however, these will be localised to the PRoWs and accompanying landscape on its immediate boundaries.
- 16.8. The proposed Project includes several landscape enhancements to make a positive contribution to local landscape character, support the Site's ecology and the local Green Infrastructure networks.
- 16.9. The application is accompanied by a Landscape and Ecological Management Plan including a Softworks Plan, Green Infrastructure Strategy Plan and sets out the design, future management measures and monitoring provisions in relation to the enhancement of the landscape and biodiversity of the Site.
- 16.10. Based on a review of the evidence set out within the LVIA report, and subject to the application of mitigation measures, it is contended that the proposed Project is acceptable in landscape and visual terms and accords with local and national planning policy.
- 16.11. The proposed Project has been assessed in terms of sites, monuments and features within a 1km study area centred on the Site's boundary, designated heritage assets within a wider 2km study Land South of Ramsden, Akeman Street, Ramsden BSR Energy Limited area, potential for unidentified archaeological sites, features or finds and potential for impact on the setting and significance of designated heritage assets within the study area.
- 16.12. The Heritage Desk Based Assessment concludes that the Listed Building(s) surrounding the Site will be subject to less than substantial harm resulting from the proposed Project close to a heritage asset.
- 16.13. The archaeological potential of the Site has been assessed as generally low to moderate, with a raised level assessed for the later prehistoric period due to the nearby presence of Grim's Ditch, a significant Iron Age linear feature. A higher potential for buried remains of the Romano-British period has also been assessed, given the presence along the Site's northwest boundary of an important Roman road, Akeman Street.
- 16.14. The HLC recorded for the Site has been assessed as of low to moderate archaeological and historical value, representing an HLC type common throughout the county.
- 16.15. It is concluded that the proposed Project will result in a superficial change in the nature of the HLC, largely through a visible change in land use. The fundamental nature of the HLC, defined through the pattern and date range of the extant field boundaries, will remain unaffected.

- 16.16. On this basis, the proposed Project accords with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and policies EH9, EH10 and EH13 of the Local Plan.
- 16.17. An Ecological Assessment has been completed in accordance with recognised industry guidance.
- 16.18. Whilst some habitat loss is inevitable, the layout of the proposed Project has been informed by ecological considerations to ensure the retention and protection of the most important ecological features on the Site.
- 16.19. The proposed Project will deliver biodiversity net gain in line with relevant national and local planning policy. Retained and newly created habitats will be managed and monitored over the lifespan of the development to ensure management objectives are realised as set out within the accompanying Landscape and Ecological Management Plan.
- 16.20. With the implementation of the mitigation and enhancements strategy described within the Landscape and Ecological Management Plan, the proposed Project would accord with relevant planning policy and legislation.
- 16.21. Although the Site is within Flood Zone 1, its area exceeds 0.5ha and therefore a Flood Risk and Drainage Strategy accompanies the submission.
- 16.22. The Flood Risk and Drainage Strategy concludes the ground once developed will drain as per the current scenario. As such there will be no impact on sites downstream of the proposed Project and therefore it accords with local and national planning policy.
- 16.23. A Construction Traffic Management Plan accompanies the application. Access to the Site will remain as existing. The first 10m of the access will be surfaced to avoid transfer of material from the Site onto the highway.
- 16.24. To meet applicable visibility standards, it is proposed part of the existing hedgerow aligning the Site's north western boundary (Akeman Street) is relocated / removed. This section of hedge has been assessed as having low ecological potential, therefore it is proposed to remove the hedge in this location and a new hedge planted in its place.
- 16.25. A new carriageway will be constructed around the Site's bell-mouth at the point of the existing junction.
- 16.26. A construction compound will be formed to the west of the Site. The compound will be of a sufficient size to accommodate vehicles so that they can enter, deliver their goods and turn to leave the Site in a forward gear.
- 16.27. The level of vehicle movements during the construction phase of the proposed Project is not considered to be material and it is considered that this will not have an impact on the safety or operation of the local highway network.
- 16.28. It is concluded that there are no reasons why the proposed Project should not be consented on traffic or highways grounds.
- 16.29. A Glint and Glare Study has been undertaken in terms of surrounding roads and dwellings. The Study concludes mitigation is not judged to be required for road users or dwelling receptors, because the level of effect is not significant.
- 16.30. This statement has demonstrated that the proposed Project is fully in accordance with the relevant policies of the development plan and the thrust of national planning policy and should be approved.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
EH1 Cotswolds AONB

EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH6 Decentralised and renewable or low carbon
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
BC1NEW Burford-Charlbury sub-area
NPPF 2021
T2NEW Highway improvement schemes
EH7 Flood risk
EH16 Non designated heritage assets
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission for the Installation of a ground mounted solar PV and energy storage system together with associated infrastructure; security fencing, CCTV, access track, cable route and landscaping on land South of Ramsden, Akeman Street, Ramsden. The site measures 45ha and the overall area of site to be covered by the solar photovoltaic panels is approximately 11ha. The application has been amended to include a small area of additional land at the access point to enable adequate visibility splays to be provided.
- 5.2 The site comprises open agricultural land located to the south west of the village of Ramsden. The site is bounded to the south by St John's Lane, a restricted byway, to the west by the crossroads with the B4022 and to the north the Wychwood Way. The Cotswolds AONB lies on the opposite side of the B4022. St John's Wood is ancient woodland and the site lies within the Wychwood and Lower Evenlode Conservation Target Area (CTA).
- 5.3 The application has been submitted following pre-application advice and a screening opinion undertaken has concluded that an Environmental Impact Assessment is not required.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Use of agricultural land
 - Impact on the Landscape Character/Visual Amenities of the area
 - Impact on Heritage Assets
 - Highway Issues
 - Biodiversity

Principle

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

- 5.6 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines', supports the principle of renewable energy developments. It goes on to state that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). This latter document will be referred to in more detail below.
- 5.7 The NPPF supports proposals for renewable and low carbon energy. Paragraph 158 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.
- 5.8 The Planning Statement advises that the proposed development will produce enough clean energy to power over 6,000 homes per year, a saving of 8,600 tonnes of CO₂. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

Use of Agricultural Land

- 5.9 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification. The submitted Agricultural Land Classification Report states that the site is classified as Grade 3b. A review of this report has been undertaken by the Solar Park Action Group (SPAG) which concludes that although the conclusions classifying the land as Subgrade 3b are consistent with other nearby detailed surveys, there can be no confidence that the survey data is an accurate reflection of the soil profiles found within the site. In response, the applicant has undertaken a further technical review which concludes that *'The ultimate agreement seems to be in place that the ALC Grade of 3b is consistent with nearby detailed surveys mapped on the same soils. The principal concerns of soil uniformity and soil droughtiness calculations have been clarified above and it should be evident that the ALC survey is accurate.'* No evidence to refute the data submitted has been submitted.

Impact on Landscape Character/Visual Amenities of the area

- 5.10 The site lies close to the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EH1 of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000.
- 5.11 Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity.
- 5.12 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact.
- 5.13 The Oxfordshire Landscape and Wildlife Study (OWLS) shows the development to be located in the Landscape Type 'Wooded Farmland' and the Local Character Area 'Wychwood Forest' (CW/13). The West Oxfordshire Landscape Character Assessment shows the site to be located in the Landscape Character Area (LCA) 7 'Wychwood Uplands' and the landscape type 'Semi-enclosed Limestone Wolds (small scale)'.
- 5.14 A Landscape and Visual Impact Assessment (LVIA) is submitted with the application. In respect of landscape effects it concludes the proposed development is unlikely to greatly impact upon the character of LCA 7 Wychwood Uplands, Landscape Type Semi-Enclosed limestone wolds. Though the site extends across a relatively large area, the solar PV panels and associated development are of a low scale and the proposed development will be medium term duration and reversible. Due to the high level of enclosure provided by the existing vegetation and the topography there will be limited localised changes and the landscape effects are assessed as Minor adverse for all periods. The proposed development will alter the character of the fields within the boundary of the site and those immediately adjacent through the introduction of a solar PV panels into a rural and lightly settled landscape. The landscape effects are Moderate adverse on the application site and its immediate environs.
- 5.15 In terms of visual effects it concludes the application site is visually well contained by vegetation across the local landscape, therefore the majority of visual effects throughout construction and operation are limited to these experienced close to the site and are assessed as Major adverse to Negligible depending on the proximity to site and the extent of the site which is visible. Proposed mitigation will help to reduce the effects from local PRoVs. The greatest effects will be experienced by local receptors, users of the PRoV 236 25/10 St John's Lane and the northern extent of the Wychwood Way/Akeman Street (adjacent Ramsden fields) which pass adjacent to the application site, where the proposed development will be most visible. The visual effects are assessed as Moderate adverse and Major adverse respectively. As proposed and existing vegetation matures, the visual effects on views from PRoV 236 25/10 St John's Lane to the south-west will reduce to Minor adverse/Negligible. Mitigation measures will not greatly reduce the effects on

views from the Wychwood Way/Akeman Street as it passes the northern extents of the site and the effects along this route will remain Moderate adverse, but will only affect a relatively small portion of the overall length of this route. During the summer when vegetation is in leaf the visually effects are likely to be reduced due to the screening associated with dense leaf cover. For the majority of private residences within the study area, the visual effects following completion are assessed as No change due to the layering of intervening mature vegetation and landform which will restrict views of the proposed development. It is anticipated there may be some short-term adverse visual effects during construction on views from Gigley Farm (Grade II Listed Building) and Pay Lane due to the proximity of the enabling and access routes associated with the construction stage and these properties. However, proposed hedgerow replacement and tree planting along the boundaries of the site will heavily filter any internal views of the site from these residences in the long-term and the visual effects are not deemed unacceptable.

- 5.16 The overall conclusion of the LVIA is that the proposed development will result in some adverse effects, however, these will be localised to the PRoVWs and accompanying landscape on its immediate boundaries. The scheme proposes a number of landscape enhancements to make a positive contributions to local landscape character, support the sites' ecology and the local Green Infrastructure networks. Based on a review of the evidence set out within this report, and subject to the application of the mitigation measures recommended this assessment concludes that the proposed development is acceptable in landscape and visual terms.
- 5.17 A review of the submitted LVIA has been undertaken on behalf of the SPAG. The review concludes that the proposed landscape strategy of new planting which seeks to disguise the solar park infrastructure would screen and contain the landscape and block the very views that are one of its key characteristics and which are enjoyed by the local residents and visitors alike; This Landscape and Visual Review has found that the proposed development would have residual adverse effects on both landscape character and views of up to Major-Moderate Adverse significance, and thus critical considerations in the determination process; The proposed development would result in residual harm to the landscape character and visual amenity of the AONB and its setting and would not conserve or enhance the landscape and natural scenic beauty of the area. As such, the development would not accord with Policy EH1: Cotswolds Area of Outstanding Natural Beauty and the proposed development would not conserve the "intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings", e.g. agricultural fields, long-distance views, and the setting of Singe Wood Ancient Woodland. Further, there would be a residual adverse effect on the character of the Wychwood Forest Trust area, where "special attention and protection will be given to the landscape". As such, the development would fail to satisfy the policy tests within Policy EH2: Landscape Character.
- 5.18 The County's Landscape Specialist has commented that whilst they have not reviewed the LVIA in any detail the proposed development is large and will by its nature change the landscape character within the site and the surrounding area. The site comprises a number of fields, which are bounded by boundary hedgerows and/or trees in many places. Hedgerows appear to be low in places allowing views across the site from nearby roads and footpaths. The proximity of the development to the Cotswolds AONB is of concern and it is important that adverse effects on this nationally important landscape and its setting are avoided. Existing boundary vegetation should be conserved and enhanced to increase screening of the proposed development. In addition, substantial new planting in line with local landscape character guidelines should be introduced along the boundaries (where applicable) to mitigate the impact of the development. Such an approach is outlined on the Landscape Softworks plan and the Green Infrastructure Strategy Plan, however, the proposed

planting looks narrow in many places (including many site boundaries) raising concerns about the effectiveness of the planting in screening the development in views.

- 5.19 The Cotswold Conservation Board recommends that, if planning permission is granted, the solar farm should not extend into the most westerly field shown on the site location plan as this field is in very close proximity to the boundary of the Cotswolds National Landscape and the landform in this field slopes towards the National Landscape. Avoiding development in this field would therefore help to reduce any potential adverse visual effects for receptors within (or on the boundary of) the National Landscape. The application remains unchanged in this respect.
- 5.20 West Oxfordshire CPRE also object to the application on landscape grounds and consider that given its close proximity to the Cotswolds AONB the industrial scale of the proposed development would be a significant incursion into open countryside in this distinctive and unspoilt part of the County. CPRE consider that the plans to develop this area for solar energy would not outweigh the significant harm on the landscape and the tranquillity of the wider AONB setting and of the small village of Ramsden with its strong Cotswold village vernacular. The visual impact of the planned fences, CCTV and prefabricated buildings for welfare and storage would spoil the experience for walkers, riders and cyclists along Akeman Street and the fine far-reaching views characteristic of the region. The Cotswold Conservation Board, states that renewable energy developments should be located where...they are appropriate to the landscape character and they would not be a dominant feature in the landscape. Its size and its location on high open ground means that neither of these guidelines have been followed.
- 5.21 The Council's Landscape Officer (LO) considers that the scale of the proposed solar farm would have a detrimental impact on this sensitive, historic, rural landscape. The scheme proposes the introduction of a wide range of industrial characteristics into a highly valued landscape from landscape character and ecological perspectives and due to the depth of its cultural, heritage and recreational qualities. The LO further comments that *'If the principle of a solar farm is to be supported in this area, inconsistent technical information within the application documentation would need to be addressed and mitigation and on-going management details clarified. In order to meet the wide-ranging, and often conflicting, mitigation objectives, and to ensure compliance with planning policy, there would need to be a significant reduction in the extent of panels across the site, together with meaningful environmental enhancements proportionate to the scale of negative effects brought to the local landscape. In accordance with EH6, environmental enhancements need to be in addition to those required to directly mitigate and compensate any adverse impacts of a proposal, especially at sites within Conservation Target Areas.'*
- 5.22 In summary the proposed development would have a significantly harmful impact on the character and visual amenities of this sensitive rural landscape and setting of the Cotswolds AONB.

Impact of heritage assets

- 5.23 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10, EH11 and EH13 of the Local Plan reflect these duties.
- 5.24 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that

significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.25 In terms of non-designated heritage assets the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These duties are reflected in policies EH9, EH11 and EH16 of the Local plan.
- 5.26 The site is not subject to any heritage designations, and the nearest are Ramsden Conservation Area located to the north east of the site and a group of Grade II listed buildings at Gigley Farm. A submitted Heritage Environment Desk Based Assessment concludes that given the intervening woodland and shelter belt which will screen views and unchanged field layout there will be no harm to the setting of the Conservation Area. It concludes that the listed buildings at Gigley Farm will be subject to less than substantial harm resulting from the solar PV array closest to the heritage asset. It is recommended that further consideration is given to the siting of solar panels in this area and that screening should be enhanced along the boundary. The application remains unchanged and in this case it is considered that the limited less than substantial harm to the setting of Gigley Farm would be outweighed by the public benefits of the scheme.
- 5.27 The Conservation & Design Officer (CO) has raised two particular areas of concern, viz:
1. Impact on the setting of Akeman Street: This was an important Roman road, as acknowledged in the Historic Environment Desk-Based Assessment. It was a major east-west route, linking Watling Street to the Fosse Way, and is a fascinating survival of part of an impressive network. We note that the section of Akeman Street to the north side of the site currently runs through peaceful rolling agricultural land, which would be transformed by this development. It is puzzling that their Historic Environment Desk-Based Assessment regards the change as 'superficial' which, in terms of the visual impact, it certainly would not be - because green fields would give way to a sizeable expanse of PVs and related technical equipment - all uncharacteristic and distracting.
 2. Impact on the setting of the Ramsden Conservation Area (CA): Because the site is screened from views within the CA by vegetation, the Historic Environment Desk-Based Assessment considers that the setting of the CA would not be affected. I would argue that the setting includes the land around the CA, in particular the approaches, and I would argue that views from the setting are important. And in this case the approach along Akeman Street would be impacted, as discussed above, with perhaps the greatest impact being where the northern tip of the PV arrays comes close to Akeman Street - here only around 250 metres from the western edge of the CA.
- 5.28 As such, the CO considers that the historic environment would be significantly impacted. Whilst the public benefits of the scheme are recognised, as detailed below, it is not considered that the significant harm identified to the historic landscape and setting of the CA would be outweighed by the public benefits of the proposal.
- 5.29 The site is located in an area of archaeological interest immediately south of the line of Akeman Street, the Roman road from (Margary Road 16b). A second probable Roman road is located along the southern edge of the application site which joins Akeman Street to the west of the application site. The line of Grimm's Ditch, a linear boundary surviving as a bank and ditch, passes from north

to south immediately west of the application site and the line of the proposed DNO Access track crosses this earthwork boundary. This linear boundary is undated but known to be pre medieval in date and has been argued to be either of late prehistoric/Roman or Saxon in date. Sections of Grimm's Ditch are scheduled, and well-preserved stretches of this earthwork linear feature are also considered to be of national importance in line with footnote 68 of the National Planning Policy Framework (2021).

- 5.30 A Roman Villa has been recorded 1km to the north of the site and the foundations of a stone building, dated to the Roman period, has been recorded 1.2km to the west of the application site. Roadside Roman settlement has been frequently recorded along the line of Akeman Street, such as at Wilcote 1.1km to the north west of the application site and this location, close to the junction of two Roman roads, has a high potential for further Roman settlement evidence to survive.
- 5.31 The proposed site is also located to the east of a probable barrow cemetery and several Bronze Age barrows have been recorded 1km to the west of the site including a scheduled example of a pair of bowl barrows at Blindwell Wood (SM21843). The extent of this area of prehistoric funerary activity is unknown and there is the potential for further Bronze Age burial features to extend into this proposed site.
- 5.32 Whilst a desk-based assessment was submitted, this was considered to be inadequate and a programme of archaeological evaluation is being undertaken. SPAG has not questioned the competence of the resulting evaluation report, but points out that about six hectares of land which should have been surveyed has not been.
- 5.33 The County Archaeological Officer has raised concerns relating to the adequacy of the submitted Gradiometer Survey Report which whilst it has identified some areas of archaeological interest within the site such techniques cannot be relied up to identify all archaeological deposits on a site as there are many factors that can affect the reliability of the results. As such it is a standard requirement to test the results of such survey with archaeological trenching. These concerns were raised in November 2021 and whilst the agent advised that trial trenching was taking place in April, no archaeological field evaluation report has yet been submitted.

Highway Issues

- 5.34 Vehicle access to the site is to be through Akeman Street at the Akeman St/Witney Rd junction. The site access is existing, and likely used by agricultural vehicles to support the existing land use. The construction period of the site will result in a significant intensification of use. Because of this, adequate visibility into Akeman St is essential. There is currently a hedgerow severely diminishing the right hand visibility splay on exit. This is to be relocated to provide an acceptable splay. Amended Plans have been submitted to ensure provision of the required visibility splays.
- 5.35 SPAG have submitted a critique of the access proposals and a review of the CEMP and general highway matters which raises a number of concerns and makes a number of recommendations. Full details of these documents are available to be viewed on the website.
- 5.36 The trips generated by the site are expected to be negligible once operational. The majority of the trips associated with the site will occur during the first 5 weeks of the 16 week construction period. The CTMP now states that deliveries to the site will not occur during the network peak hours of 08:00-09:00 and 1700-1800. OCC Transport has advised that the proposed construction vehicle routes are considered acceptable and has advised that the applicant has now resolved all of

their initial highways issues and OCC Transport no longer object to the granting of planning permission.

Biodiversity

- 5.37 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.
- 5.38 The application is accompanied by an Ecological Assessment which concludes that with the implementation of the mitigation and enhancement measures described in the report, the Project would be in conformity with relevant planning policy and legislation.
- 5.39 A review of the submitted ecological information has been undertaken on behalf of the Solar Park Action Group. It concludes that the report does not appear to accurately represent the ecological interest present on the application site and it is advised that extreme caution is applied in using it to inform decision making. The safeguards and mitigation proposals offered in the report are founded on an incomplete understanding and/or conveyance of the baseline position and cannot therefore be relied upon by decision makers as a means to avoid significant net loss of biodiversity. This contradicts national and local planning policy. The applicant should be instructed to carry out further surveys to address the shortfalls identified and to enable a more accurate impact assessment. Such surveys should cover the identified shortfalls in respect of habitats (including ancient semi-natural woodland), breeding and wintering birds, bats, dormice, badgers, reptiles and invertebrates.
- 5.40 Following the request for further information, the Council's Biodiversity Officer has commented that additional information is still required including updated survey information; habitat, hedgerow and woodland assessments and further Biodiversity Net Gain information. Other concerns have been raised in respect of potential impacts on habitats including badgers, bats, ancient woodland and the loss of hedgerow. Detailed comments can be viewed in the consultation section above.

Flooding and Drainage

- 5.41 The Site lies within Flood Zone 1 with a very low risk of flooding. The application is supported by a Flood Risk and Drainage Assessment which advises that the impermeable area created by the development is very small, relative to the site area and as such will have negligible impact on the runoff rates from the site and a robust and ample surface water capture and storage system has been included within the designs for this development.
- 5.42 The County Council, as the Local Lead Flood Authority, has raised an objection to the application, on the grounds that the Flood Risk Assessment and drainage strategy is inadequate. Local concerns have also been raised in respect to the risk of flooding along the B4022 as a result of the works.

Other Matters - Glint and glare

- 5.43 A Glint and Glare Study has been undertaken which concludes that effects towards road users on the B4022 will be restricted to a short stretch of road immediately west of the panel area. Visibility of the reflecting area would be partial and occur from a bearing perpendicular to the direction of

travel. No mitigation is judged to be required. In respect of Dwelling Receptors, it concludes that the effects towards three dwelling locations⁹ are possible under some conditions. Effects would occur early in the morning with a worst-case duration of approximately 20 minutes on any one day. Effects are unlikely for observers on the ground floor and would coincide with direct sunlight from a similar bearing. No mitigation is judged to be required.

Conclusion

5.44 In conclusion, whilst it is recognised that the proposed development would make a contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases, it would have a significant harmful impact on the historic landscape and would be harmful to the setting of the Cotswolds AONB and Ramsden Conservation Area and no archaeological field evaluation report has been submitted.

5.45 In addition, inadequate ecological and drainage information has been submitted to ensure that protected and priority species and habitats would be protected and flood risk managed and avoided. As such the development conflicts with adopted Local Plan policies and the NPPF and is thus recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposed development would have a significantly harmful impact on the appearance and character of the landscape and would harm the setting of the Cotswolds AONB in conflict with Policies EH1 and EH2 of the adopted West Oxfordshire Local Plan 2031 and advice in the NPPF.
2. The proposed development would have a significantly harmful impact on the historic landscape and setting of Ramsden Conservation Area and the results of an archaeological evaluation have not been submitted in conflict with Policies EH9, EH10, EH13 and EH16 of the adopted West Oxfordshire Local Plan 2031 and the NPPF.
3. Inadequate ecological information has been submitted to assess the potential impact on protected and priority species and elements of the scheme including the proposed access track may be harmful to protected habitats including a nearby badger sett and ancient woodland. As such, the proposed development is considered to be contrary to the provisions of Policy EH3 of the adopted West Oxfordshire Local Plan 2031 as well as advice in the NPPF 2021.
4. The Flood Risk Assessment and drainage strategy submitted is inadequate to demonstrate that flood risk will be managed and avoided in conflict with Policy EH7 of the adopted West Oxfordshire Local Plan 2031 and advice in the NPPF 2021.

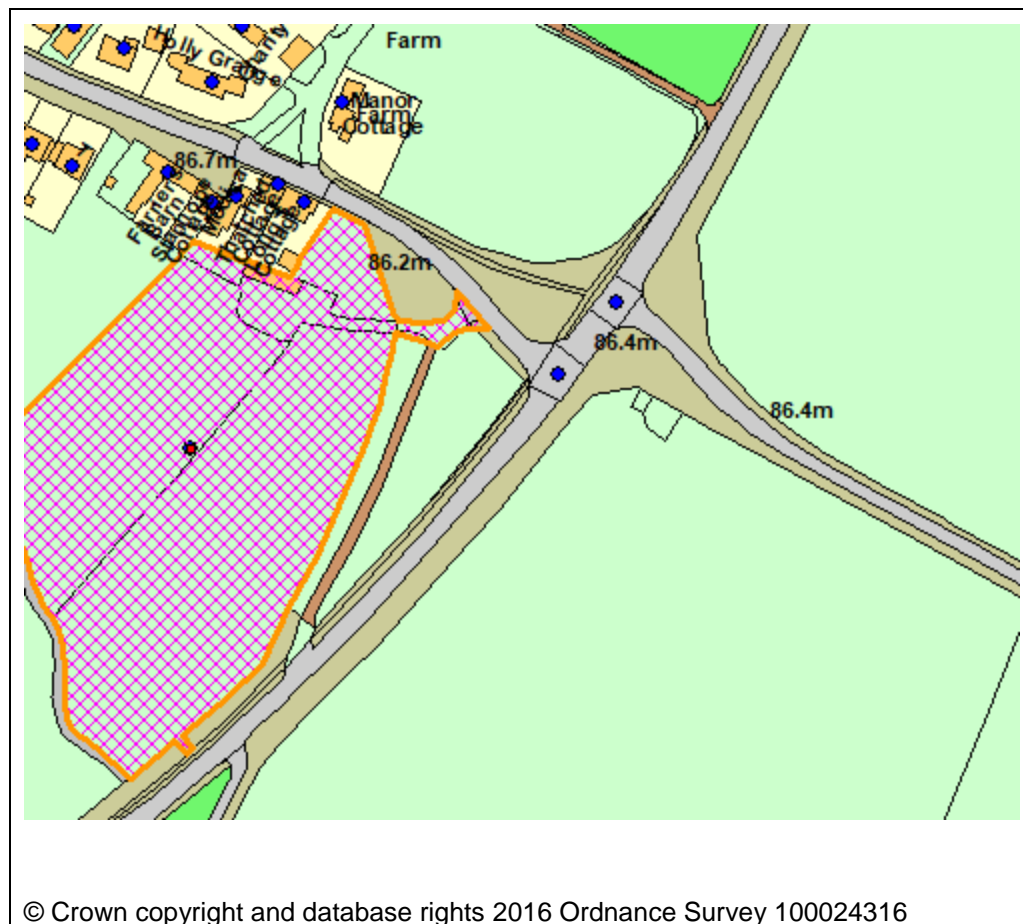
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 3rd August 2022

Application Number	22/00744/OUT
Site Address	Land South Of Main Road Curbridge Witney Oxfordshire
Date	3rd August 2022
Officer	David Ditchett
Officer Recommendations	Refuse
Parish	Curbridge Parish Council
Grid Reference	433332 E 208519 N
Committee Date	15th August 2022

Location Map



Application Details:

Outline application for the provision of up to 25 dwellings (including affordable housing and self-build housing) and associated works with all matters reserved except the access.

Applicant Details:

J, G, S And E Forde
C/o Agent

I CONSULTATIONS

Parish Council

Curbridge Parish Council

A 12 page document which includes tables and a map is available online to view. However, below is a copy of their submitted 'Summary' page

I. SUMMARY

I.1. The proposed development conflicts with the guiding principles within the Curbridge Village Design Statement adopted by the Curbridge and Lew Parish Council in July 2021 and currently waiting adoption by West Oxfordshire District Council (WODC) (Refer to Appendix I for details). It should be noted that the Curbridge Village Design Statement was mentioned in the Appeal documentation for the Curbridge Triangle (18/01724/OUT) thereby underlining its validity when considering development proposals.

I.2. This planning application conflicts with many of the policies held within the West Oxfordshire Local Plan 2031 (WOLP 2031), in particular OS2.

I.3. West Oxfordshire District Council (WODC) is able to provide a five year housing supply as evidenced by their Housing Land Supply Position Statement of April 2021:-
<https://www.westoxon.gov.uk/media/5vcltaww/housing-land-supply-position-statement-2021-2026.pdf>

I.4. The proposal is for the development of designated agricultural land which has been used recently for commercial purposes and, as such, is potentially contaminated. Therefore, an inspection is recommended, and, if appropriate, remedial action taken before any development can take place.

I.5. Access into the proposed development could be on land owned by Oxfordshire County Council - this will need to be clarified. The proposed vehicular access width to the new houses is 7.5 metres quickly going down to 5.5 metres. This is against government legislation of a minimum width of 6.1 metres.

I.6. Curbridge village is already suffering from severe sewage problems, so until a favourable response has been received from Thames Water on the capacity of their proposed expansion of Witney Sewage Treatment Works any speculative development either here in Curbridge, or, elsewhere should be declined.

I.7. It is difficult to ascertain whether the proposal is located within 5 metres of a strategic water main. Thames Water do not permit building over or construction within 5 metres of a strategic water mains. The Drainage report does make reference at Appendix D that measures should be taken as to the location of existing services and connection points are.

I.8. There is no piling methodology found within the development proposal.

I.9. Curbridge only had a weighted score of 18 in the WODC Local Development Framework Settlement Sustainability with only 8 villages out of 41 villages listed lower sologically Curbridge is not considered to be a sustainable location

I.10. There is no clear and convincing justification within this proposal that would outweigh the harm to Thatch Cottage (a Heritage Asset).

I.11. The Ecological Report submitted as part of this proposal is recorded as "Preliminary" but even in it's current state appears to be at odds with the Ecological report submitted as part of the Curbridge Triangle Development Proposal (18/01724/OUT).

I.12. To conclude the adverse impacts (as highlighted in the points above and provided in detail in the following pages) of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, as well as the policies contained in the WOLP 2031.

Major Planning Applications
Team

08/06/2022

Transport:

No objection subject to S106 Contributions, an obligation to enter into a S278 agreement, planning conditions and informatives

Lead Local Flood Authority:

No objection subject to conditions

Major Planning Applications
Team

14/04/2022

Transport:

Objection

Lead Local Flood Authority:

Objection

Education:
No objection subject to S106 contributions

Archaeology:
No objection subject to conditions

Waste:
No objection subject to S106 contributions

WODC Planning Policy
Manager

No Comment Received.

Conservation Officer

No Comment Received.

WODC Env Health - Lowlands

Thank you for the opportunity to consult.

I have no objection in principle to the application. When the application for full consent is applied for, we will require the following information:

1. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
2. Details of the Design and Build of the new dwellings which should 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).

ERS Env. Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. Given the former agricultural use of the site and the proposed residential use please consider adding the following condition to any grant of permission.

- I. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.
- I. 2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

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

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

District Ecologist

No objection subject to biodiversity net gain being secured and conditions

Natural England

No Comment Received.

Thames Water

Waste Comments

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

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

Water Comments.

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend 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.

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or

construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

Supplementary Comments

Response is based on discharge via gravity and MH connection point at: SP33083602. If this is not correct then Thames Water need to be informed.

WODC - Arts

No Comment Received.

WODC - Sports

No objection. Financial contribution required.

Climate

No Comment Received.

WODC Landscape And
Forestry Officer

No Comment Received.

2 REPRESENTATIONS

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

I support comment received

1 general comment received relating to:

1. The provision of the bus stop;
2. Road crossing; and
3. Need for the bus stop

51 third party objections received relating to:

1. Lack of infrastructure and services;
2. Highway Safety;
3. Lack of need for the homes;
4. Harm to landscape;
5. Harm to village setting;
6. Unsustainable location;
7. Not sustainable development;
8. Loss of green space;
9. 25 homes is too many;
10. Flooding;
11. The last two years current owners have decided to make it into a builders yard saying it has always been a builders yard this is not the case;
12. Poor access;
13. Impact to wildlife;
14. Pressure on water supply and sewers;
15. Contrary to policy;
16. Overdevelopment;
17. At odds with the Curbridge Village Design Statement;
18. Impact to existing cycle and pedestrian routes;
19. Not limited development;
20. Harm to village character;
21. Drainage;
22. The village is essentially low density and this proposal is not;
23. Should be smaller and limited to linear shape;
24. No mains gas supply to the village and the electricity supply is often interrupted;
25. Light pollution;
26. Garden flooded with raw sewage;
27. Loss of PRow;
28. There has never been any planning application for a builders yard;
29. Location of site notice;
30. Enough homes built nearby already;
31. Site is a peaceful buffer against the traffic and fumes from Bampton Road;
32. Previously used as occasional grazing it is only over the past few years that it has become the eyesore that it is currently;
33. Impact to protected species;
34. Noise pollution;
35. Loss of linear pattern of development;
36. Loss of green space;
37. The original barn has a tin roof which has been reported to the police due to the danger of it's condition;
38. Loss of views;

- 39. Loss of daylight;
- 40. Not previously developed land;
- 41. Too dense;
- 42. Poor design;
- 43. Impact to listed building;
- 44. Land is agricultural;
- 45. Doubts accuracy of submission documents;
- 46. Speculative development; and
- 47. Noise, disturbance and inconvenience arising from the construction

3 APPLICANT'S CASE

- 3.1 Having regard to relevant Development Plan policies and advice in the National Planning Policy Framework, the Statement has demonstrated:
- 3.2 That the principle of the proposed development is acceptable - representing a proportionate/limited form of development in Curbridge that respects, and complements, the established settlement pattern and does not result in the loss an important area of open space;
- 3.3 That the proposals would deliver an appropriate mix and range of housing, including affordable housing and self-build housing;
- 3.4 That the proposals would appropriately respect the wider character and appearance of the area;
- 3.5 That the extent of proposed development is such that an appropriate scheme could come forward at Reserved Matters State that (a) does not impact adversely on the amenities of neighbouring residential properties, (b) does not detract from the enjoyment/amenities of users of the public right of way, and (c) provides a highquality living environment for future occupiers;
- 3.6 That there would be no adverse impact on existing trees and vegetation, with the proposed landscape framework - which would come forward at Reserved Matters stage - ensuring that the development is appropriately integrated in to the area;
- 3.7 That there are no highways, access or parking constraints for the development, with the scheme representing a sustainable form of development in transportation terms;
- 3.8 That the proposals are compliant with flood risk policy;
- 3.9 That there are no ecological constraints to the proposed development;
- 3.10 That the relationship with surrounding designated heritage assets is such that any scheme coming forward at Reserved Matters stage would not result in a loss of significance to the setting of the designated heritage asset(s); and
- 3.11 That the scheme would deliver a range of benefits that weigh positively in the overall planning balance.
- 3.12 Accordingly, it is considered that the proposals would fully comply with relevant Development Plan policy and advice in the Framework and that planning permission should be granted accordingly.

- 3.13 Furthermore, and notwithstanding the above, the Council acknowledge that they are on the 'cusp' of being unable to demonstrate a five-year supply of deliverable housing sites and, indeed, there are a number of assumptions in the latest Housing Supply Position Statement and unevidenced assertions that suggest the deliverable position is already subfive years. In that event, the 'tilted' planning balance is engaged and for the reasons set out, such position lends significant weigh/support in favour of the proposed development.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

EH13 Historic landscape character

EH14 Registered historic parks and gardens

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the provision of up to 25 dwellings (including affordable housing and self-build housing) and associated works with all matters reserved except access.
- 5.2 The site is located on the south-western side of Main Road, at its junction with Bampton Road, and comprises an irregularly shaped parcel of land extending to an area of approximately 1.5 hectares.

- 5.3 A previous pre application response (21/01921/PREAPP) noted that the site 'has a predominant use for agriculture/equine purposes, albeit the north eastern section contains a range of buildings and areas of hardstanding connected with a builders' yard use of this part of the site'. On a site visit in April 2022, this officer noted that the field was open and did not see a stable, a menage, paraphernalia such jumps, horseboxes, manure clamps, troughs etc. or hardstanding that would indicate that the site was in an equestrian use. Furthermore, no planning permission exists to reflect an equestrian use. The open section (the majority of the site) is therefore in agricultural use.
- 5.4 With regard to the builders yard reference. The LPA has served an enforcement notice (ref 21/00034/PENF) for the unauthorised change of use and siting of storage containers, skips, plumbing equipment, builders materials, timber, fencing, hardcore, topsoil, gypsy caravan and non- agricultural vehicles. The applicant is appealing that enforcement notice with the Planning Inspectorate (ref APP/D3125/C/22/3295096). As this use appears to be unlawful, with an enforcement notice served, and as this is being appealed, the LPA takes the view that the area referred to as a 'builder's yard' is also in agricultural use.
- 5.5 The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself.
- 5.6 Public Right of Way (PROW) (ref 185/7/10) runs in a north easterly direction along the northern boundary (within) the site.
- 5.7 Curbridge does not have a conservation area. However, the Grade II Listed Building 'Thatched Cottage' abuts the northern boundary of the site. In addition, a single storey stone barn is present in the northern section of the site, backing on to 'Longs Cottage'. Historic OS maps from 1899-1905 show a linear building in the location of the barn, so the building may be of some age. However, on a site visit, officers noted that the roof was metal sheeting (not historic) and the general condition of the building is quite poor. As such, while the building may retain some historic interest, it is not considered to be a non-designated heritage asset in its own right.
- 5.8 The site is within flood zone 1.
- 5.9 A Village Design Statement is being prepared locally to guide development in Curbridge but has not been adopted by the District Council as a Supplementary Planning Document
- 5.10 There is no relevant planning history associated with the site itself. However, the adjoining site to the north/west does have planning history (application ref 18/01724/OUT). The description of development for 18/01724/OUT read 'Outline application for the erection of up to 85 dwellings including 40% affordable and 3 x self-build plots with associated landscaping, public open space and enhancements to the children's play area, 2 x footpaths and 1 x footbridge and the provision of land for DI use, vehicular access from Bampton Road, pedestrian and cycle access from Well Lane and car parking and limited residential vehicular access from Main Road (all matters reserved other than access)'.
- 5.11 That application was refused by the Lowlands Area Planning Sub-Committee in December 2018 for the following reasons:
1. *The proposal is for significant, and more than limited, housing development on a greenfield site beyond the existing settlement boundary of Curbridge. The site is therefore in the countryside. 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 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, it would involve the loss of an area of open space that makes a positive contribution to the character of the area, and would fail to conserve the natural environment. There would therefore be an unacceptably harmful impact on the character and appearance of the area. This would be compounded by loss of hedgerow on the site frontage to Bampton Road and the urbanising effects of the site access. The development is inconsistent with the linear pattern of development in Curbridge and would not contribute to local distinctiveness. 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, paragraphs 12, 127, and 170 of the NPPF, and the West Oxfordshire Design Guide. and

2. The applicant has not entered into a legal agreement or agreements to secure the provision of: affordable housing; self-build housing plots; sport and leisure; public transport; education; community benefits; public art; primary healthcare; and ecological and landscape management. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy H3, EH3, EH5, T3 and OS5 and paragraphs 54 and 56 of the NPPF.

- 5.12 The Planning Inspectorate dismissed the appeal for 18/01724/OUT on 03/01/2020 concluding that

40. Whilst the effect on the wider landscape would be minimal, the proposal would cause significant harm to the character and appearance of the area, in particular on the form and character of Curbridge village. Notwithstanding the design quality of the scheme, the scale and form of the proposal in relation to its village context would conflict with the housing strategy of the WOLP and the development plan when considered as a whole.

41. The proposal would provide up to 85 dwellings (40% affordable) including three self-build plots. These would have important economic and social benefits and make a useful contribution to market and affordable housing needs in the area. These benefits should therefore be afforded considerable weight, together with the other more local benefits for the village of Curbridge set out in paragraph 39. However, whilst significant, these material considerations are not sufficient to outweigh the conflict with the development plan and the harm that has been identified under the first main issue.

42. Having regard to the above the appeal should be dismissed.

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Heritage Impacts;
- Archaeology;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities;

- Public Rights of Way (PROW);
- Sustainability;
- S106 matters; and
- Conclusion and Planning Balance

Principle of Development

- 5.14 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).
- 5.15 Curbridge 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'.
- 5.16 The NPPF defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land.....and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings'. As explained, officers consider the entire site to be in agricultural use. As the land adjoins the built up area of Curbridge and is agricultural (not previously developed land), the site is considered to be 'undeveloped land adjoining the built up area' for the purposes of Policy H2.
- 5.17 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 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'.

- 5.18 Policy H2 would permit new homes on undeveloped land adjoining the built up area where there is convincing evidence to demonstrate it is necessary to meet identified housing needs, it is in accordance with the distribution of housing (in Policy H1) and it is in accordance with the other local plan policies, particularly Policy OS2.
- 5.19 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 therefore is not 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%.
- 5.20 The proposal also includes the conversion of a barn building to form 1 dwelling. Local Plan Policy E3 supports the re-use of traditional buildings for employment, tourism and community uses to support the rural economy but does not support the conversion to a dwelling. As the site is undeveloped land adjoining the built up area, policies OS2 and H2 do not contain any mechanisms to convert this building to a dwelling either. Point 6.46 of the Local Plan explains 'In accordance with the overall strategy, conversion of existing buildings to residential use is more

appropriate within our service centres and villages with services and facilities (see Policy H2). Elsewhere, re-use for employment, tourism or community uses is generally more suitable than residential use'. As such, there is an in principle objection to its conversion to a dwelling.

- 5.21 As explained, housing is supported on this site where there is convincing evidence to demonstrate it is necessary to meet identified housing needs. The addition of 25 homes, in the context of a 5.3 year housing land supply is not required to meet housing needs. Officers note that the applicant also proposes up to 10 affordable homes and 3 of the private/market housing would be available for self-build purposes. While this provision may meet some identified housing needs, H2 requires that development proposals be in accordance with the other local plan policies, particularly Policy OS2. As such, the proposal shall be assessed against the general principles of Policy OS2 in more detail below.

Siting, Design, Form and Landscape Impact

- 5.22 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.

- 5.23 Policies 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 NPPF.

- 5.24 Policy OS2 sets out general principles for all development. Of particular relevance to this proposal is that it should:

Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;

Form a logical complement to the existing scale and pattern of development and/or the character of the area;

Avoid the coalescence and loss of identity of separate settlements;

As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;

Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;

Conserve and enhance the natural, historic and built environment; and

Be supported by all the necessary infrastructure.

- 5.25 As noted under Policy OS2, Curbridge is suitable for limited development which respects the village character and local distinctiveness. It is relevant to note that these three criteria were a key consideration for the Inspector in determining a planning appeal for 85 new homes on the adjacent land to the west. In respect of the first criteria regarding scale, the Inspector concluded that 85 homes (a nearly 40% increase in the current number of dwellings in the village) would 'be disproportionate and inappropriate in terms of scale to its context' and that constructed over a relatively short period, 'the proposal would result in an excessive increase in the size of the village and would appear out of scale in relation to it'.

- 5.26 This application proposes up to 25 dwellings, which would represent an 11% increase in the existing number of homes at Curbridge. Whilst the term 'limited' is not defined in the Plan, it is the view of officers that the addition up to 25 dwellings would not be more than limited when considering numbers alone. However, the scheme must also form 'a logical complement to the village and respect the existing pattern of development'.
- 5.27 The proposal would fundamentally change the existing form and thus character of the village which comprises linear development along Main Road, turning the corner into Well Lane and then along Bampton Road. This latter section consists of a looser knit stretch of development but like the other two comprises mainly frontage buildings with some at right angles or along short tracks to the side. By contrast, the proposed development would comprise a large and deep housing estate, forming a cul-de-sac, which reaches into the landscape, well beyond the existing built form.
- 5.28 The application site contributes to the rural ambience on the approach to Curbridge from the Bampton Road and this would be adversely affected. The proposal would essentially turn a linear village into a more nucleated one. Officers consider that the scheme would not therefore form a logical complement to the existing pattern of development contrary to the second general principle in Policy OS2.
- 5.29 In addition to not forming a logical complement to the existing pattern of development, previous decisions have identified the land between Well Lane and Main Road to be 'open space that makes an important contribution to the character of the village' (para 23 of the appeal). It stands to reason that the application site, being between Well Lane and Main Road, also contributes to the rural character of the village.
- 5.30 The development site forms part of a wedge of open land, which separates the development along Well Lane from that along Main Road. The two fields are fairly featureless in themselves and overlooked by existing built development but their gentle slopes, boundary hedgerows and the riparian vegetation along Elm Bank Ditch combine to form a pleasant rural area within the heart of the village.
- 5.31 While the development site is not designated as 'public open space' it does have a Public Right of Way running through the entire site and the views from this PRoW would be fundamentally changed by introducing built form adjacent to a 100m stretch of the route. Thereby urbanising this rural area and significantly altering the experience of those who walk along the PRoW.
- 5.32 Whilst a large amount of the 'wedge' would be retained, as this scheme would infill a corner portion of this open area and in a deep fashion. It would obscure views beyond the development into the wedge that remains, arguably increasing the appearance of the urbanisation of the site.
- 5.33 The proposal would involve the loss of an area of open space that makes an important contribution to the character of the village, conflicting with another general principle of OS2.
- 5.34 The proposal does not respect the village character and local distinctiveness; it would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area.

- 5.35 The proposal does not accord with the provisions of Policy OS2 of the Local Plan with regards to matters of character and appearance. Furthermore, the scheme would conflict with Policies OS4 and EH2 of the Local Plan, which, amongst other things, requires that development be of high quality design which contributes to local distinctiveness and conserves natural features.

Heritage Impacts

- 5.36 The grade II listed Building 'Thatched Cottage' abuts the northern boundary of the site and the development may affect its setting. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.37 Local Plan Policies EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.
- 5.38 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 5.39 With regard to the impact to Thatched Cottage. The applicants planning statement (7.44) notes that 'the principal special interest of the building derives from its age, materials and architectural composition' and officers agree with this statement. However planning statement goes on to state 'the wider location of the site (and its setting) contributing little to its special interest'. Officers strongly disagree with this conclusion.
- 5.40 Historic OS maps from 1875-1887 show Thatched Cottage to be part of a semi-detached pair with open land stretching in depth to the south. This open area (the development site) has remained open through the OS maps iterations between 1875 and today. While Curbridge site has urbanised to the north and north west, the land to south and south west of the listed building has remained open and formed part of the landscape surrounding the listed building for at least 147 years. As such, officers consider that the rural setting of Thatched Cottage contributes to its significance as a listed building and this setting would be significantly altered by the urbanisation of the land, causing harm to its setting. This harm is considered to be less than substantial.
- 5.41 For clarity, three Grade II listed buildings are also present to the north of Thatched Cottage (Charity Farm, Charity Barn, and Manor Farm). The rural nature of the development site also contributes to their settings. However, when considering that they sit on the northern side of Main Road separated from the site by the highway (and have been separated since at least 1875), are a minimum of 77m from the development site and that sporadic built form exists between those listed buildings and the development site. Officers consider that the immediate rural setting of those listed buildings is predominately to the north, east and west and to a lesser degree, the south. Therefore, while the proposed scheme will affect their settings too, it is not considered to be harmful.
- 5.42 Officers have identified harm to the setting of Thatched Cottage by virtue of the loss of its agricultural setting. This harm is considered to be 'less than substantial'. Paragraph 202 of the

NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

- 5.43 In terms of public benefits. The proposed development would add up to 25 dwellings 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).
- 5.44 Of the up to 25 dwellings, 40% (up to 10 homes) would be affordable homes. In addition, the planning statement notes that 3 self-build dwellings are proposed. The provision of self-build and affordable dwellings will help to meet the Councils need for these units.
- 5.45 Economic benefits will arise from the construction of the development and economic benefits for Witney and the wider area are likely from the increase in population. However, these are commensurate with the scale of development.
- 5.46 In light of the less than substantial harm found to the setting of the Thatched Cottage. Officers are satisfied, on balance, that the public benefits of the new homes (including the addition of self-build and affordable homes) and the economic public benefits found, outweigh the less substantial harm found to the conservation area.
- 5.47 The proposal therefore accords with Local Plan Policies EH9 and EH11, and the NPPF insofar as they apply to the impact of the proposed development on listed buildings; and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 5.48 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality design) all seek to conserve archaeology. Policy EH9 is clear in that 'archaeological remains.....are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss'.
- 5.49 The County Council Archaeologist commented that the site is located in an area of archaeological interest to the south of a Roman settlement and cemetery excavated in the 1970s and 1980s. The excavation recorded 30 inhumations dating between c110AD and 310AD along with evidence of Roman occupation. A recent geophysical survey undertaken 500m south of the proposed development site has recorded a series of enclosures and linear features, which are thought to date to the later prehistoric period.
- 5.50 It is therefore likely that further archaeological features related to the later prehistoric and Roman settlement of the area could survive on the site and would be impacted by this development. A programme of archaeological evaluation and mitigation will therefore need to be undertaken ahead of any development of the site. The County Council Archaeologist is satisfied that this could be conditioned and officers have no reason to disagree. Should permission be granted, these could be applied as set out in the consultee comments.

Highway Safety

5.51 This application is in outline with all matters reserved except access and the access will involve the formalisation of the existing entrance.

5.52 OCC Highways initially objected to the scheme as the pedestrian route connecting to Main Road is inadequate. This was subsequently amended and OCC removed their objection. Further, they are satisfied with the development as a whole. However, they have noted the following points.

- Visibility around the junction is adequate, although the 60m visibility splay to the west is disputed as it is obstructed by numerous trees and a stone wall;
- S106 Contributions required for public transport services, public transport infrastructure (if not dealt with under s278/s38 agreement), and Public Rights of Way;
- There is an off-road cycletrack near to the development, running along the west side of Bampton Road which connects into the wider cycle network;
- A financial contribution is requested for provision of a bus shelter at the eastbound Manor Farm stop and two new Premium Route standard poles, flags and timetable cases;
- Pedestrian facilities link the site to the Bampton Road footway;
- The walking route along the western edge of the site, along PRoW 185/7/10, is extremely narrow where it passes between houses and has two high stone stiles, meaning that it is not a feasible path for many people;
- The PRoW network outside of the site will be placed under greater pressure as a result of the development, so a S106 contribution will be requested to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims;
- The PRoW needs to be connected at the north-west corner of the site to ensure connectivity and permeability;
- Two allocated parking spaces per unit (or one per one-bedroom) will be acceptable;
- The level of cycle parking proposed in the TS for visitors is just about in accordance with the Oxfordshire Cycling Design Standards and is correct for residents;
- There will be a modest level of trip generation associated with the current site use, which has been estimated in Table 2.1. Future trips resulting from the proposed development will be small in relation to the current flows on surrounding roads, meaning that there will be no demonstrable highway safety or congestion impacts; and
- Conditions and informatives are suggested.

5.53 The application is in outline and seeks to approve an access to the site and OCC Highways are satisfied with the access, as proposed and the likely highway safety impacts. The remaining points raised could be controlled at reserved matters stage and condition discharge submissions, through an appropriately worded clause in the planning obligation, and to enter into a S278 agreement and a S38 agreement to mitigate the impact of the development. As such the development is safe in highway safety terms and there are no highway grounds for refusal. However, the applicant has not entered into a S106 agreement and this is addressed further in this report.

Drainage and Flood Risk

- 5.54 The site is within flood zone I. The Lead Local Flood Authority (LLFA) at OCC have raised no objections to the scheme and a surface water drainage scheme condition is recommended.
- 5.55 Thames Water (TWA) have also raised no objection however they explain that 'the proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains'. A restrictive condition is required ensuring that no construction shall take place within 5m of the water main and this will be applied, should the application be approved.
- 5.56 Neighbour comments demonstrate that parts of the site is subject to localised surface water flooding. However, the relevant specialists at TWA and OCC have not raised any objections to the scheme. In the absence of evidence to the contrary, officers are satisfied that while the site does flood in places occasionally, it would be possible to introduce measures to alleviate this by way of an engineering solution and this does not constitute a reason for refusal in this instance.
- 5.57 Officers 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. Officers are aware that this issue is an inconvenience; however, it does not form a refusal reason in this instance and there are no objections in regards to foul drainage.
- 5.58 As the proposed dwellings will be in flood zone I and in light of the views of the relevant specialists. Officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere.

Trees and Ecology

- 5.59 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'.
- 5.60 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.
- 5.61 The submitted ecological survey found that the site is predominantly semi-improved grassland which was relatively botanically diverse, but no rare or notable vascular plants were recorded, and all species were common and widespread. There were no invasive or notifiable species.
- 5.62 A total of eight species of bird were observed during the visit by the applicants ecologist, of which two were Species of High Conservation Concern (RSPB Red list) with these being Swift and Swallow and one was a Species of Medium Conservation Concern (RSPB Amber list); Dunnock. The rest were all Species of Low Conservation Concern (RSPB Green list). Two in-use birds' nests were found inside the building; Robin and Swallow. The hedgerow also provided suitable habitat for nesting.

- 5.63 None of the trees around the boundaries of the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation. The building was also assessed for bats, and was found to not have any signs of bat use or suitability for roosting bats. The site was thought to be of low value to foraging or commuting bats, as it was mostly mown grassland.
- 5.64 There were no signs of Badger activity within the site, nor signs of any other mammals.
- 5.65 The site was considered unsuitable for Great Crested Newts, as there was no permanent still water, the only wetland feature being a shallow wet ditch with flowing water that had recently been cleared out. There were no permanent refuge as building materials which were being moved frequently. Reptiles are also unlikely to be encountered, as the grassland was mown and there were limited basking areas.
- 5.66 The impact to birds can be mitigated and controlled by conditions and no other protected species are present. While some open space is retained and planting and SuDs proposed, the development of this open area will result in biodiversity loss.
- 5.67 Natural England were consulted and they did not comment.
- 5.68 Impact to trees is acceptable with the application of suitable tree protection/replacement measures.
- 5.69 The development would lead to a reduction in biodiversity value at the site and it is unlikely that full on-site mitigation is 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 through S106 financial contributions, but they have not specified an amount of net gain at this stage. Nonetheless, the impacts can be controlled by conditions and net gain can be achieved.
- 5.70 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. This is subject to further details that could be controlled at reserved matters and condition discharge submissions, and through an appropriately worded clause in the planning obligation. As such, the proposals 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.

Residential Amenities

- 5.71 As this application is outline, the size, position, orientation of dwellings are not being assessed. However, noise and disturbance can be considered. Objectors have referred to noise, disturbance and inconvenience arising from the construction of the proposed development. Such impacts are relatively short lived and can be mitigated by adherence to an agreed construction management plan.

- 5.72 With regard to contaminated land and potential risk to human health. The WODC Technical Officer (Contamination) recommends that a desk study and if required, a remediation scheme be secured by condition and this can be applied.
- 5.73 At this stage, officers do not have any concerns with regard to the impact to residential amenities from the development. Further assessment would be undertaken at the reserved matters stage.

Public Rights of Way

- 5.74 A Public Right of Way runs through and adjacent to the site. The indicative plan that is submitted to support the application shows that the PRow would be retained within the development. As such, this connectivity would not be lost.
- 5.75 Officers note that the PRow would likely be inaccessible during the construction phase. However, this would be a short term impact. Officers are satisfied therefore that the proposed scheme would not result in the loss of the Public Right of Way and the connectivity to the wider PRow network would be retained.

Sustainability

- 5.76 A sustainability assessment has been provided to the applicant; however, no response has been received and the proposed scheme has not been revised as a result. The application is for outline consent; however, further commitments are sought from the applicant to consider and achieve higher sustainability standards at the detailed design stage, than are currently being proposed.

S106 matters

- 5.77 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.
- 5.78 Policy H3 requires that 40% of the homes are provided as affordable housing. The applicant proposes 40% Affordable Delivery on Site.
- 5.79 The Leisure Team in respect of Sport and Recreation provision requires £ 44,750 off-site contribution towards sports facilities within the catchment.
- 5.80 OCC Education has requested contributions of £ 155,952 for secondary education.
- 5.81 OCC seeks Household Waste Recycling Centre Contribution of £2,349.
- 5.82 OCC seeks £ 28,325 towards public transport services (The provision of public transport services in Curbridge).
- 5.83 OCC seeks £ 15,000 towards Public Rights of Way (Improvements to the Public Rights of Way in the vicinity of the development)

- 5.84 OCC seeks £ 17,842 towards public transport infrastructure (if not dealt with under S278/S38 agreement) (Provision of a bus shelter and two poles, flags and timetable cases).
- 5.85 OCC require the Applicant to enter into a S278 agreement and a S38 agreement to mitigate the impact of the development.
- 5.86 Biodiversity net gain target to be met via a financial contribution to meet the requirements of EH3 and the NPPF.
- 5.87 The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport services and infrastructure; Public Rights of Way; education; waste; or biodiversity net gain. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH3, EH5, T1, T3 and OS5.

Conclusion and Planning Balance

- 5.88 The proposed development would harm the setting of Thatched Cottage by virtue of the loss of the agricultural setting. However, officers are satisfied, on balance, that the public benefits of the new homes (including the addition of self-build and affordable homes) and the economic public benefits found, outweigh the less substantial harm found to the setting of Thatched Cottage.
- 5.89 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. Financial contributions to local services/infrastructure through a Section 106 agreement is also a positive impact. Overall, these attract significant weight.
- 5.90 There would be a loss of on-site biodiversity. However, subject to control through reserved matters and condition discharge submissions, and through an appropriately worded clause in the planning obligation, biodiversity net gain could be achieved. This attracts modest weight commensurate with the scale of development.
- 5.91 The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport services and infrastructure; Public Rights of Way; education; waste; or biodiversity net gain.
- 5.92 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.
- 5.93 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'.
- 5.94 The proposed development would add up to 25 dwellings 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, of the up to 25 dwellings, 40% (up to

10 homes) would be affordable homes. In addition, the planning Statement notes that 3 self-build dwellings could be secured. The contribution to self-build only carries modest weight commensurate with the scale of development. However, the provision of up to 10 affordable homes carries significant weight.

- 5.95 With regard to the general principles in Policy OS2. The proposal does not respect the village character and local distinctiveness; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. This clear conflict with the major strategic housing policies H2 and OS2 carries substantial weight. In addition, there is an in principle objection to the conversion of the barn building to residential use, contrary to Policy E3.
- 5.96 Turning to the planning balance. Up to 25 homes would be added to West Oxfordshire Council stock. In addition, the development would result in economic benefits to the local area both during construction and beyond; and biodiversity net gain could be achieved off site (but lost on site). Harm to the setting of the Thatched Cottage is found, on balance to be outweighed by the public benefits of the scheme.
- 5.97 However, there is conflict with Policy OS2 of the Local Plan with regards to matters of character and appearance. By virtue of the conflict with OS2, the proposal also conflicts with H2 and as these are the strategic policies that govern the acceptability of housing developments, this conflict is substantial. Furthermore, the scheme would conflict with Policies E3, OS4 and EH2, which, amongst other things, requires that development be of high quality design, which contributes to local distinctiveness and conserves natural features and that traditional buildings be converted to business use. In addition, the applicant has not entered into a legal agreement.
- 5.98 The benefits of the scheme outlined do not overcome the clear and convincing conflict when assessed against the Local Plan as a whole. The application is therefore recommended for refusal.

6 REASONS FOR REFUSAL

- 1 The proposed development does not respect the village character and local distinctiveness. It would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. While the development would provide some economic benefits, would add up to 25 homes to West Oxfordshire Housing stock, would meet some of the affordable housing need in West Oxfordshire, and could create biodiversity net gain, these benefits are insufficient to outweigh the clear conflict with the Development Plan as a whole. As such, the proposed development is contrary to policies H2, E3, OS2, OS4 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework 2021.
- 2 The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport

services and infrastructure; Public Rights of Way; education; waste; or biodiversity net gain. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH3, T1, T3 and OS5.

INFORMATIVES :-

- If this site were to come forward as part of a comprehensive development of the wider Curbridge Triangle that addressed the inspector's reasons for dismissal of the previous appeal, then this may overcome the above refusal reasons.

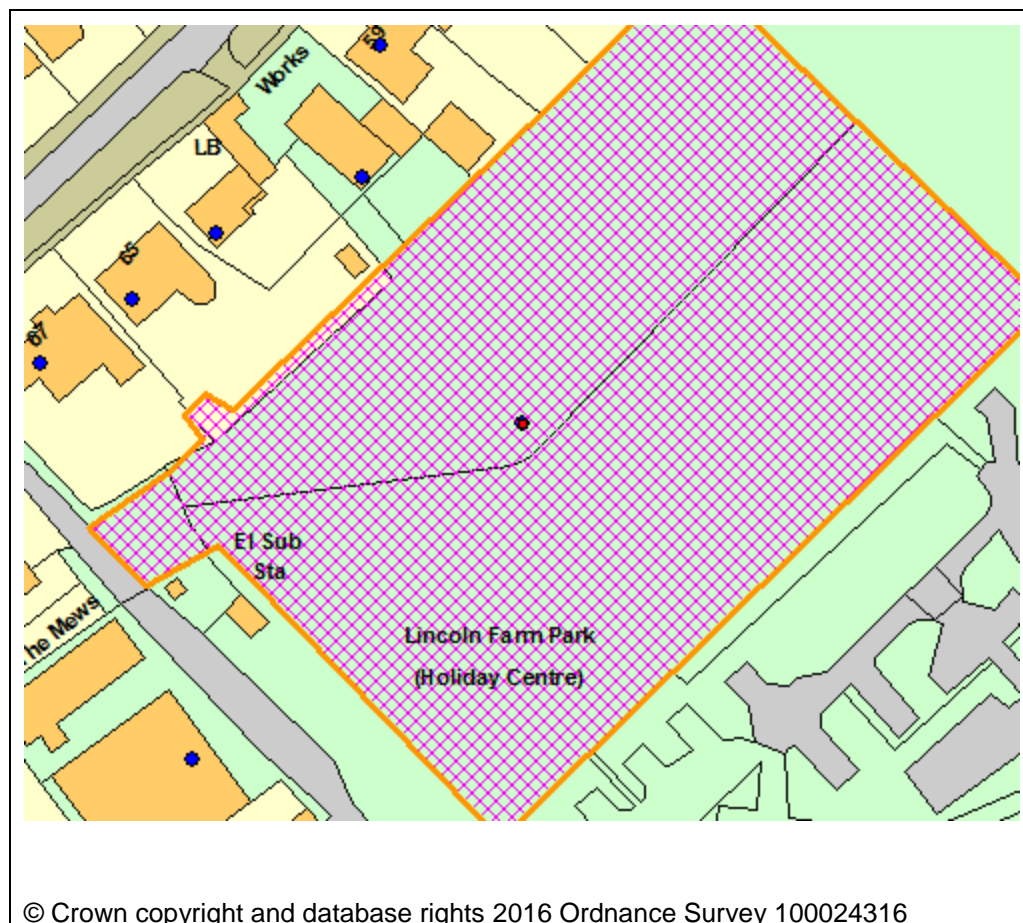
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 3rd August 2022

Application Number	22/00793/S73
Site Address	Land To The Rear Of 65 High Street Standlake Oxfordshire
Date	3rd August 2022
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439612 E 202898 N
Committee Date	15th August 2022

Location Map



Application Details:

Variation of condition 2 of planning permission 17/00629/FUL to allow revisions to the design, layout and appearance of plots 9 and 10.

Applicant Details:

Standlake Ltd
C/o Agent

I CONSULTATIONS

Parish Council

Standlake Parish Council

In the light of the council's objections to the original application, the council therefore objects to any further changes to the approved plan on the same basis especially if the height of the new houses is to be increased.

Major Planning Applications
Team

Highways
Recommendation:
No Objection

Detail Comments:

The variation to the proposal is unlikely to have materially impact on the operation of the highway network in the area.

Lead Local Flood Authority

No comments required from the LLFA on the variation of condition 2.

Archaeology

No objection subject to conditions

2 REPRESENTATIONS

No third party representations have been received to date.

3 APPLICANT'S CASE

- 3.1 The designs are only minor deviations from what has been approved previously. The scale of the houses remains in keeping with the other permitted dwellings on the site, having two storeys (with space in the roof) which is marginally taller than those permitted for these plots however they are proposed to have reduced footprint sizes.
- 3.2 The houses both sit in their respective plots within the site in the same position as permitted. The layout has changed but not in a manner which draws the buildings further into the plots or closer to adjoining plots.
- 3.3 There is no proposed alteration to the access arrangements either and all issues relating to the access, such as turning heads, parking areas etc therefore remain as permitted. In fact the garages for both proposed plots remain unaltered from the existing permission.

- 3.4 The space around the dwellings and general density of the site is considered to be reflective of densities on neighbouring sites and that referred to in the original indicative layout. The house design changes do not compromise what has already been agreed.
- 3.5 The orientation and alignment of the dwellings will ensure that there is neither mutual overlooking of the proposed dwellings or those of neighbours. Existing trees and shrubbery on the boundaries provide natural screening and this is supplemented by close boarded fencing along shared boundaries to enclose private amenity space.
- 3.6 All properties benefit from large rear gardens which are more than adequate for the scale of houses proposed and are, again, not compromised by the house design changes to plots 9 and 10.
- 3.7 It is therefore concluded that the amendments to the development will provide an appropriate living environment for future occupants and neighbouring residents.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

3 5. PLANNING ASSESSMENT

- 5.1 This application seeks permission to vary condition 2 (approved plans) relating to planning permission 17/00629/FUL to allow revisions to the design, layout and appearance of plots 9 and 10.
- 5.2 This application relates to a backland site located between the High Street frontage and Lincoln Park caravan site to the rear.

- 5.3 A hybrid planning approval was granted by the LPA on the 25th January 2019 (ref. 17/00629/FUL). The description of development read:
"A hybrid application for the proposed development of ten 'self-build' dwellings, with full details provided for 4 dwellings and 6 outline dwellings with all matters apart from access reserved."
- 5.4 Permission was granted in full in relation to four of the plots (5, 6, 9 and 10) the remainder of the 10 (being plots 1,2,3,4,7 and 8) were granted in outline except in relation to matters of access.
- 5.5 Being a hybrid application, the conditions on the decision notice related to both the full planning permission and outline permission. Conditions 18-20 explicitly related to the outline permission.
- 5.6 On 01/11/2021 conditions 12 (landscaping scheme), 14 (land contamination assessment) and 16 (construction traffic management plan) of planning permission 17/00629/FUL were discharged by application ref. 21/02511/CND.
- 5.7 On 02/11/2021 permission was granted for the removal of condition 15 of permission 17/00629/FUL to commence road works (application ref. 21/02708/S73).
- 5.8 On 05/07/2022 condition 13 (assessment of the hydrological and hydro-geological) of planning permission 21/02708/S73 was discharged.
- 5.9 On 29/07/2022 permission was granted to vary condition 2 (approved plans) of planning permission 17/00629/FUL to allow minor design changes to Plot 5.
- 5.10 Officers visited the site on 18/01/2022, 12/04/2022 and again on 04/05/2022 and noted that the works to the access had begun and a gravelled track had been constructed part way into the site. Officers are satisfied that, for the purposes of plots 5, 6, 9 and 10, development has commenced.
- 5.11 The application is before the Lowlands Area Planning Sub-Committee as the officer recommendation is contrary to the views of the Parish Council.
- 5.12 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:
- Principle of Development;
 - Siting, Design and Form;
 - Impact on Residential Amenity;
 - Other Matters; and
 - Conditions

Principle of Development

- 5.13 The application seeks planning permission to vary condition 2 (approved plans) of the previously approved permission 17/00629/FUL. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the

conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be re-considered under this application.

- 5.14 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application, Officers will consider the impact of the proposed changes on design, and residential amenity.
- 5.15 Following this it will also need to be considered what conditions attached to application ref. 17/00629/FUL need to be carried forward, and if any further conditions need to be attached to any new consent.

Siting, Design and Form

- 5.16 The proposed changes to plots 9 and 10 are as follows:

Plot 9

The footprint reduced from 216.3sqm to 190.1sqm;
Ridgeline and eaves raised to create a loft conversion;
Bedrooms increased from 3 to 5 (possibly 6 if the playroom/store in the loft is used as a bedroom);
Front dormers added;
Rooflights omitted from front and side roof slopes and now only proposed on rear elevation roof slope;
Front gable omitted;
Front porch amended;
Chimney size and style amended;
Rear gable increased in size and cladded; and
Door and fenestration changes throughout;

Plot 10

The footprint reduced from 217.5sqm to 191.2sqm;
Ridgeline and eaves raised to create a loft conversion;
Bedrooms increased from 3 to 4 (possibly 5 if the attic room is used as a bedroom);
Front, rear and side dormers omitted;
Rooflights added to the front and rear roofslopes;
Front gable omitted;
Front porch amended;
Front bay windows added;
Single storey flat roof side/rear element added;
Chimney sizes, locations and styles amended;
Rear gable omitted; and
Door and fenestration changes throughout;

- 5.17 The cover letter submitted along with the application states 'The two permitted dwellings, being designed due to specific requirements from the previous applicant, display a much more urban feel than the other permitted dwellings on the site. The sprawling chalet style elevations give rise to a larger footprint, but with the lower ridge heights proposed have a much less appropriate quality of first floor accommodation. The proposed dwellings are both smaller in footprint but due to the marginal increase in ridge height, allow much better first floor layouts.

The design of the houses, whilst now with less articulation in respect of Plot 10, are both still restrained in their architectural language and appropriate simple vernacular designs which pay due regard to the WODC Design Guide. The houses will have a high quality construction using similar high spec vernacular materials, including natural coursed Cotswold stone and suitable slate tiles. The forms and materials are typical of the area'.

- 5.18 In regard to the changes to plot 9. While these are numerous, they bring the design and scale of the dwelling in line with those for plots 7 and 8 approved through the reserved matters application. In particular as plot 9 and plots 7 and 8 are now broadly the same design, being two storey with loft conversions and clad rear gable elements. Arguably, the previously approved chalet bungalow would have appeared somewhat at odds with the rest of the scheme. As such, while the changes to plot 9 are numerous, officers are of the opinion that the changes are an improvement in the context of the adjacent plots and wider development as a whole. Officers are satisfied that neither individually, or cumulatively that they have an unacceptable impact on the character an appearance of the proposed dwelling, the wider development or existing built form in the area.
- 5.19 In regard to the changes to plot 10. Again, these are numerous, however they somewhat simplify the appearance of the dwelling with clean front and rear elevations and a symmetrical principal elevation. When combined with the reduction in footprint (although somewhat mitigated by the increased height), the dwelling now appears more suitable to this large plot. Indeed, when read next to the approved dwellings in plots 1 and 2, the new design will act as a transition between the smaller, simpler dwellings in plots 1 and 2, into the larger more contemporary dwellings in plots 7, 8 and 9. As such, while the changes to plot 10 are numerous, officers are of the opinion that the changes are an improvement in the context of the adjacent plots and wider development as a whole. Officers are satisfied that neither individually, or cumulatively that they have an unacceptable impact on the character an appearance of the proposed dwelling, the wider development or existing built form in the area.

Impact on Residential Amenity

- 5.20 While the buildings are increasing in height, their footprints are reduced and they remain in broadly the same locations in their plots. As such, overbearing, loss of light and overbearing impacts are unlikely.
- 5.21 With regard to the fenestration changes. For plot 10, the removal of the side facing dormers decrease overlooking in the area and the changes to front and rear elevations are where fenestration was already approved. The changes to plot 10 therefore will not result in loss of privacy or overlooking impacts.
- 5.22 For plot 9, broadly the same principles apply as the changes to front and rear elevations are where fenestration was already approved. However, plot 9 does propose a Juliet balcony that would face towards the rear garden of plot 10. Officers note the balconies were approved for plots 7 and 8 in the same location as is proposed for plot 9. As such, the same situation is already present throughout the development. Nonetheless, plot 9 would have some views into the garden of plot 10. Officers are mindful of this; however, views would be into gardens and not into the dwellings themselves. As such, views, and thus impacts, would be restricted to months of the year when the gardens are in use. Furthermore, these are new open market dwellings and buyers would be aware of the situation prior to purchasing and therefore have the

choice whether they accept this overlooking. In addition, some overlooking is commonplace in built up areas such as this.

- 5.23 Officers are satisfied therefore that the changes proposed will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration. In addition, sufficient external amenity space is retained at both dwellings.

Other Matters

- 5.24 Officers note that the Archaeology Officer at OCC requested an 'Archaeological Written Scheme of Investigation' and that 'a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation' both be completed prior to the commencement of development. The officer at OCC elaborated that 'the application site is within an area of considerable archaeological potential' and thus the conditions are required.
- 5.25 It is important to note that this application is seeking a variation to a previously approved scheme (17/00629/FUL). That application granted permission, in full, for plots 5, 6, 9 and 10 and outline permission for the remaining plots (reserved matters for the outline have since been permitted) with no conditions relating to archaeology. Furthermore, there are no pre-commencement conditions left to be discharged for the site and while some details are reserved by condition, these relate to technical matters only and do not prevent the development commencing. This development can include foundations, below ground services, and floor slabs. It is a significant material consideration therefore that the previously approved scheme can be completed (subject to final conditions being agreed).
- 5.26 Paragraph 56 of the NPPF states 'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. As explained, the previous scheme can be built and there were no restrictions placed on that approval with regard to archaeology. As such, to introduce the conditions advised by the officer at OCC for the application that is before the Council now, is not considered to be reasonable. This is because a significant material fallback position exists that would result in the same impact to archaeology as the scheme that would be subject to restrictive archaeology conditions. Furthermore, the trigger point for the conditions (prior to commencement) is not applicable as the development has commenced.
- 5.27 In light of the explanation above, while the comments from the officer at OCC are noted, the suggested conditions will not be applied as they cannot be enforced and are not considered to be reasonable.

Conditions

- 5.28 Decision ref. 17/00629/FUL was subject to a total of 20 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to 17/00629/FUL for relevance on this decision and shall address any further conditions to be applied.

- 5.29 Conditions 18, 19 and 20 relate to the outline element of the hybrid application. The reserved matters (21/04126/RES) relating to that outline application was approved on 03/03/2022 as such these will not be applied.
- 5.30 Condition 1
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

The previous permission has been implemented. Therefore, this condition is not applicable and will not be applied.

- 5.31 Condition 2
That the development be carried out in accordance with the approved plans listed below.
PP0010 F Site plans
PE5010 C Elevations - Proposed
PS5010 B Cross Section
PP5030 C Floor Plans - Proposed
PE0010 D Elevations - Proposed
PE10010 A Elevations - Proposed
PP0031 Elevations - Proposed
PS10010 Cross Section
L01 Location Plan
PP10030 A Floor Plans - Proposed
PP0032 Elevations - Proposed
PE5011 Elevations - Proposed
PP5031 Floor Plans - Proposed
PE6010 A Elevations - Proposed
PE5010 B Elevations - Proposed
PE9010 A Elevations - Proposed
PP9030 A Floor Plans - Proposed
PP6030 A Floor Plans - Proposed
PS6010 Cross Section

Condition 2 is the subject of this application and the changes included within the revised plans are found to be acceptable. This condition will be revised to reflect the submitted plans.

- 5.32 Condition 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 additional windows/rooflights shall be constructed in the side elevation(s) of the building(s).

This condition is still applicable in order to maintain control over the site and will be reapplied.

- 5.33 Condition 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, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

This condition is still applicable in order to maintain control over the site and will be reapplied but will be updated to include the new Class AA.

5.34 Condition 5

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

This condition is still applicable in order to maintain control over the site and will be reapplied.

5.35 Condition 6

Those part of the walls of the proposed building to be natural stone shall be laid and pointed with 'bagged' joints unless otherwise agreed in writing by the Local Planning Authority in accordance with a sample panel that shall be erected on site before above ground works commence and be retained in place as a reference whilst development is ongoing .

This condition is still applicable in order to maintain control over the site and will be reapplied.

5.36 Condition 7

Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

This condition is still applicable in order to maintain control over the site and will be reapplied.

5.37 Condition 8

The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

This condition is still applicable in order to maintain control over the site and will be reapplied.

5.38 Condition 9

All new external joinery shall be wood painted white, cream or Burford Green and shall thereafter be retained in that colour.

This condition is still applicable in order to maintain control over the site and will be reapplied.

Condition 10

5.39

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

This condition is still applicable in order secure biodiversity net gain and will be updated and applied.

5.40 Condition 11

Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

This condition is still applicable and will be reapplied.

5.41 Condition 12

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

This condition is discharged so will not be applied

5.42 Condition 13

Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.

This condition is still applicable and will be reapplied.

5.43 Condition 14

Prior to the commencement of the development hereby permitted a land contamination assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority: (a) The land contamination assessment shall include a desk study and site reconnaissance and shall be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses, identify risks to human health and the environment, and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be submitted and approved in writing by the Local Planning Authority prior to investigations commencing on site. (b) The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. (c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a

proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters and prior to occupation of the development hereby permitted: (a) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing. (b) A completion report shall be submitted to and approved in writing by the Local Planning Authority. The completion report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site. (c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the completion report.

This condition is discharged so this will change to an adherence condition

5.44 Condition 15

No road works shall begin until details of the Private Street Agreement that allows dwellers to access the site, between the proposed access road and the public highway, have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until the access junction to the development has been constructed in accordance with the approved details.

This condition is removed so will not be reapplied.

5.45 Condition 16

A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify; The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman, Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network), Details of wheel cleaning / wash facilities to prevent mud, etc. from migrating on to the adjacent highway, Contact details for the Site Supervisor responsible for on-site works, Travel initiatives for site related worker vehicles, Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours, Engagement with local residents and neighbours.

This condition is discharged so this will change to an adherence condition

5.46 Condition 17

No drainage works shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: Discharge Rates

Discharge Volumes Maintenance and management of SUDS features Sizing of features - attenuation volume Infiltration in accordance with BRE365 Detailed drainage layout with pipe numbers SUDS - Permeable Paving, Rainwater Harvesting, Green Roof Network drainage calculations Phasing The plans must show that there will be no private drainage into the public highway drainage system.

This condition is discharged so this will change to an adherence condition

Conclusion:

- 5.47 It is considered that the variation of condition 2 is acceptable, and in accordance with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.
- 5.48 It is therefore recommended that the variation of condition 2 of permission ref. 17/00629/FUL be granted.

6 CONDITIONS

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

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

- 2 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.

- 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 adjoining trees and neighbour amenity.

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

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

- 5 Those parts of the walls of the proposed building to be natural stone shall be laid and pointed with 'bagged' joints unless otherwise agreed in writing by the Local Planning Authority in accordance with a sample panel that shall be erected on site before the first trench is dug and be retained in place as a reference whilst development is ongoing.

REASON: To ensure that a traditional practice of the area is carried out in the interests of the finished appearance of the building.

- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 7 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

- 8 All new external joinery shall be wood painted white, cream or Burford Green and shall thereafter be retained in that colour.

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

- 9 Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval.

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

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

- 10 Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall

only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 11 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before development above ground level. The approved means of enclosure shall be constructed before the first occupation of the dwelling and shall be retained as such thereafter.

REASON: To safeguard the character and appearance of the area and because details were not contained in the application.

- 12 The development hereby approved shall be completed in accordance with the land contamination assessment approved by application 21/02511/CND on 01.11.2021.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

- 13 The development hereby approved shall be completed in accordance with the construction traffic management plan approved by application 21/02511/CND on 01.11.2021.

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

- 14 The surface water drainage scheme shall be completed in line with the details approved under application ref 22/00353/CND prior to the first occupation of the development hereby approved and shall be retained as such thereafter.

REASON: To ensure the site is adequately drained.

INFORMATIVES :-

- 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).

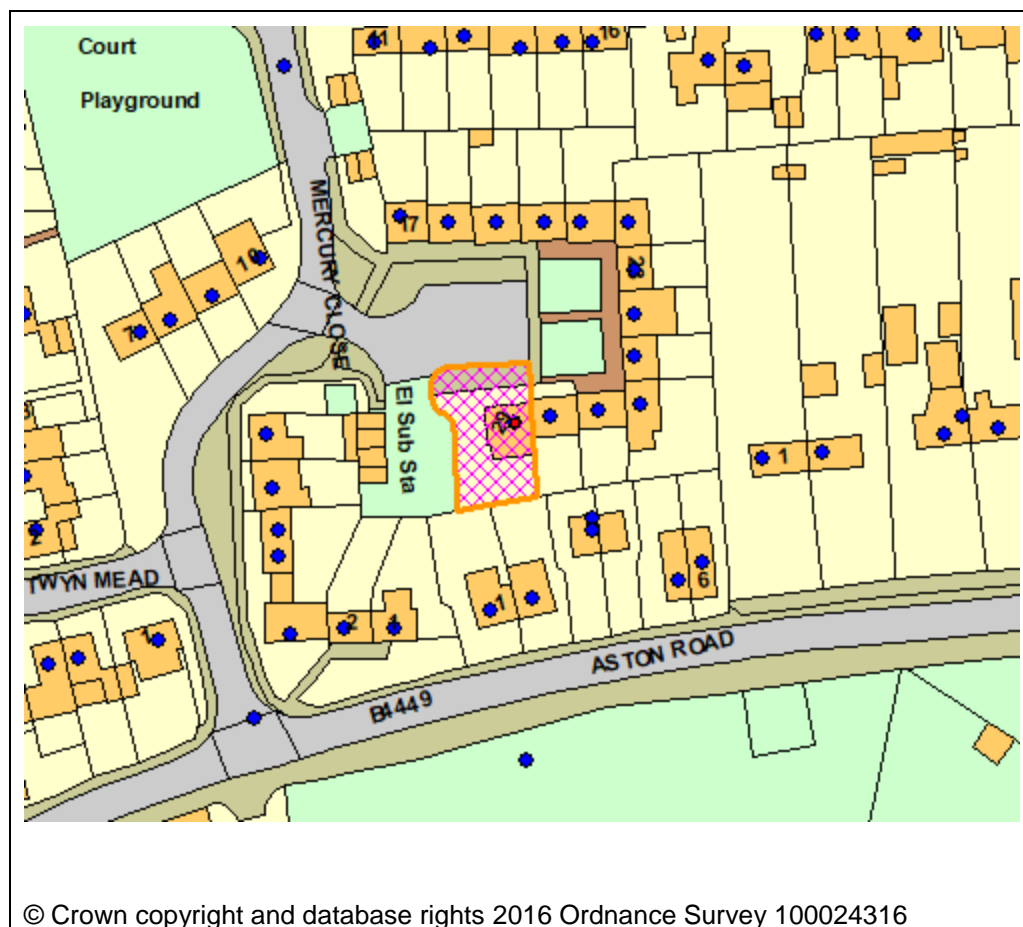
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 3rd August 2022

Application Number	22/01069/FUL
Site Address	29 Mercury Close Bampton Oxfordshire OX18 2AH
Date	3rd August 2022
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432038 E 203308 N
Committee Date	15th August 2022

Location Map



Application Details:

Erection of an attached dwelling with off street parking and associated ancillary works. Alterations to the existing dwelling including two storey and single storey extensions.

Applicant Details:

Mr Nick Shepherd
29 Mercury Close
Bampton
Oxfordshire
OX18 2AH

I CONSULTATIONS

Parish Council	13.06.2022- OBJECTION (vote with zero in favour) We don't believe there is sufficient parking for the 2 properties and this will adversely affect residents.
Parish Council	15.07.2022- OBJECTION We are aware of the covenants on this property and in addition the parking is already problematic. Even with the additional two parking spaces there are still concerns for the Parish Council. In light of the considerable number of newbuilds in Bampton, the Parish Council cannot see any appreciable benefit to the village.
OCC Highways	No Comment Received.
OCC Highways	25.07.2022- 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 amended plans
WODC Drainage Engineers	If full planning permission is granted, could you please request the following condition:- That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows

above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

OCC Highways

13.06.2022-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

15.06.2022

My recommendation refers to option 1.

Option 2 shows a proposed parking space marked ' 29 MC parking 1 ' on the highway and a footway realignment. The proposal would require a 'stopping up' order. The ' no objection ' recommendation does not refer to option 2

Conservation Officer No Comment Received.

WODC Env Health - Lowlands Mr ERS Pollution Consultation No objection in principle.

Newt Officer No Comment Received.

3 2 REPRESENTATIONS

2.1 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:

- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
- Design will not be in keeping with neighbouring dwellings
- Highway related issues, given existing traffic, access and parking problems.
- Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
- Land Ownership inaccuracies
- Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
- Boundary line inaccuracies regarding parking spaces
- Loss of the trees and its impact on global warming. Details of replacement trees should be provided.

3 APPLICANT'S CASE

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

The applicant seeks planning permission for an attached dwelling, next to 29 Mercury Close, Bampton. The proposed scheme takes into account the form, scale, mass and overall design of other dwellings nearby, and is designed to be sympathetic to the established pattern. The proposed dwelling is intended to blend with and to complement the established housing character in this part of Bampton. Local planning policies see proposals for new dwellings in Bampton as highly sustainable, any issues relate not therefore to the principle, but to the details of this scheme.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes

H6NEW Existing housing
EH7 Flood risk
EH3 Biodiversity and Geodiversity
T4NEW Parking provision
DESGUI West Oxfordshire Design Guide
NPPF 2021

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

4 5 PLANNING ASSESSMENT

Background Information and Proposed Development

5.1 This application seeks planning permission for the erection of an attached dwelling with off street parking, associated ancillary works and alterations to the existing dwelling including two storey and single storey extensions at 29 Mercury Close, Bampton.

5.2 The application site relates to an end of terrace property, which forms part of the horseshoe shaped Mercury Close, situated within a residential area of Bampton. The site does not fall within any areas of special designated control and therefore the main considerations of this application are its principle and the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.3 Relevant Planning History

15/03504/HHD- Erection of single storey and two storey extensions.- Approved.

The above approval included two storey and single storey extensions, including a new porch, all are of which are comparable in design to that of the proposed dwelling and extensions. Some form of residential development in this location has therefore already been considered to be acceptable.

5.4 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Parish Council.

5.5 Amended drawings have been received as part of this application following your officers concerns with design. The description of development has also been amended. Following the description and design changes, the application was re advertised and consultees were re consulted.

Proposed Development

5.6 The scheme proposes a new attached two bedroom dwelling, associated ancillary works and alterations and a two storey, single storey and porch extension to 29 Mercury Close, Bampton.

5.7 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
- -Scale Siting and Design
- -Residential Amenity
- -Highways
- -Drainage
- -Ecology

Officers Assessment

Principle

- 5.8 The application site sits within Bampton which is identified under West Oxfordshire Local Plan Policy OS2 as a Rural Service Centre where new dwellings can be permitted where they are of a proportionate and appropriate scale to its context, having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.
- 5.9 Policy H2 of the WODC Local Plan 2031 states that new dwellings will be permitted within the rural service centres on undeveloped and previously developed land within the built up area, provided the loss of any existing use would not conflict with other plan policies and that the proposal is in accordance with the other policies in the plan, in particular the general principles in Policy OS2.
- 5.10 The proposed development is for an extension and subdivision to create an additional dwelling and as such Local Plan Policy H6 is also relevant. Policy H6 states that alterations, extensions or sub-division of existing dwellings should respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area.
- 5.11 On this basis, the proposal is supported by Local Plan Policies OS2, H2 and H6 provided the proposal complies with the general principles set out in Policy OS2. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies, guidance and legislation in the relevant sections below:

Scale, Siting and Design

- 5.12 The proposed two bedroom dwelling is to be attached to the western elevation of no.29, it is of a dual pitched roof design with a cross gable element that extends out to the rear. The proposed dwelling has an open plan ground floor layout with an entrance hall and WC, the first floor has a double bedroom, a single bedroom and a bathroom. In terms of proposed openings, the proposed dwelling has a front door, two ground floor windows and two first floor windows on its northern elevation, sliding patio doors, a ground floor window and two first floor windows on its southern elevation and two ground floor windows and a first floor window on its western elevation. The proposed materials are to match that of the existing dwelling no. 29 Mercury Close and they are therefore considered to be acceptable. The proposed dwelling is to be set back from the front elevation of no. 29 Mercury close, to allow for an additional parking space serving no.29 and a pedestrian access serving the proposed dwelling.
- 5.13 Your officers consider that the design and scale of the proposed dwelling would be appropriate and in keeping with the character of the area and is therefore acceptable in terms of design and scale.
- 5.14 A number of alterations are proposed to the existing dwelling no. 29 Mercury Close, including the demolition of an existing rear extension, the subdivision of its residential curtilage, a two storey and single storey rear extension and a new entrance porch. The proposed two storey extension is to be sited on the western side of the host dwellings rear elevation, it is of a cross gable roof design extending out to the rear and has a first floor window and sliding doors at ground floor level on its southern elevation. The proposed single storey extension is to be sited on the eastern side of the rear elevation and is of a mono pitched roof design with two roof

lights and sliding doors on its southern elevation. A new entrance porch is also proposed on the northern elevation of the host dwelling, it is of a mono pitched roof design, with two windows on its northern elevation and the front door on its western elevation. The proposed materials are to match that of the host dwelling.

- 5.15 Given the scale of the proposed single storey extension and porch and that the proposed two storey extension is set down below the ridge height of the host dwelling, your officers consider that they will appear as secondary and subservient additions to the dwelling. Therefore, your officers consider that the proposed extensions and alterations to no. 29 Mercury Close are acceptable in terms of scale and design.
- 5.16 Laylandi trees which boarder the front of the property are to be removed and replaced with a box hedge. Given that the existing trees forward of the footpath are to be retained and that new hedging is proposed, your officers consider that the removal of the Laylandi trees would be acceptable in terms of impact on visual amenity.
- 5.17 The proposed dwelling and porch would be visible on the street scene. However, your officers consider that given the proposed materials, the size of the proposed porch and design of the proposed dwelling, that the development would be in keeping with the character of the locality and therefore would not give rise to any adverse impacts in regards to visual amenity.

Residential Amenity

- 5.18 Given the siting of the proposed rear extensions to no. 29 Mercury Close, that the rear extension closest to the adjoining neighbour is single storey, the distance it extends beyond the rear elevation, existing boundary treatments, the separation distance between the proposed two storey extension and neighbouring properties to the south and that the existing dwelling already has first floor windows on its southern elevation, so there is already a degree of mutual overlooking, your officers do not consider that the proposed extensions would give rise to levels of harm in term of neighbouring amenity issues, such as, overlooking, loss of privacy, loss of light or overbearing, that would warrant the refusal of this application. Given the scale and siting of the proposed porch, it is not considered to give rise to neighbouring amenity issues.
- 5.19 Given the siting of the proposed dwelling and the separation distance to the neighbouring properties, your officers do not consider that the proposal would give rise to loss of light, or overbearing issues. Given that the adjoining and adjacent properties all have first floor rear windows, there is already a degree of mutual overlooking which is not uncommon within built up residential areas. The distance between the proposed dwelling and those down Aston Road is considered acceptable so not to increase the level of overlooking or loss of privacy to an unacceptable level. The proposed dwelling is not considered to give rise to neighbouring amenity issues for 29 Mercury Close and it is still considered to have sufficient outdoor amenity space. Your officers have suggested that a condition removing certain permitted development rights is applied to the consent to ensure that any further extensions can be assessed, in order to safeguard neighbouring amenity.
- 5.20 It is noted that the proposed parking arrangements would result in the adjoining neighbour parking in front of the window serving the kitchen of the proposed dwelling. Your officers consider that this would result in some harm in terms of noise and disturbance and poor outlook. However, the entrance to the proposed dwelling and a hedge, are proposed between to the neighbours parking space and the kitchen window on the front elevation of the proposed dwelling, which will mitigate some of the harm in terms of outlook and disturbance. Your

officers therefore consider that the proximity of the proposed parking space to the kitchen window would give rise to a modest level of harm in terms of residential amenity, to the future occupants of the proposed dwelling.

- 5.21 It is also noted that the proposed two bedroom dwelling is below the minimum space standards as set out in the 'technical housing standards - nationally described space standard'. The technical housing standards state that the area of a two bedroom, 3 person, two storey dwelling should be at least 70m², the proposed dwelling is approximately 58m². In addition, the single bedroom has an area of approximately 6m², the national space standard is 7.5m.
- 5.22 The national space standard is a material consideration when assessing the proposal but the standard has not been adopted within our Local Plan. However, policy OS2 states that development be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants and policy OS4 states that development should not harm the use or enjoyment of buildings including living conditions in residential properties.
- 5.23 Your officers note that the scale of the proposed dwelling would provide living spaces below the standards set out within the 'technical housing standards' and consider that this would result in some harm to the living conditions of the future occupier. However, the proposed dwelling is located within a sustainable location and as such will have access to the many services and facilities that are on offer in the area, including a park just 60m away. The proposed development also includes the provision for outdoor amenity space which is considered to be sufficient for the size of the proposed development. Your officers consider that the scale of the proposed dwelling would give rise to modest harm to the amenity of the future occupiers and would not amount to a significant and demonstrable harm that outweighs the benefits of this proposal.

Highways

- 5.24 Third party representatives have raised concerns regarding parking issues within the area. The proposed development will result in three car parking spaces being provided, two for no.29 Mercury Close and one for the new dwelling. OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. Your officers have carefully considered the concerns raised by local residents and the Parish Council however, the proposed dwelling is to be situated within a sustainable location with transport links, OCC have not objected to the proposal and that there are no on street parking restrictions within the vicinity. Therefore, your officers consider that the proposed dwelling and parking arrangements are acceptable and would comply with policy T4 of the adopted West Oxfordshire Local Plan 2031.

Drainage

- 5.25 Your WODC Drainage Officer has been consulted on this application and has raised no objection subject to the full drainage details being submitted as part of a prior to commencement condition. The applicants have agreed to this condition being applied to the consent, therefore the development is considered to comply with policy EH7 of the adopted West Oxfordshire Local Plan.

Ecology

- 5.26 The site as it stands is a mix of hardstanding, lawn, trees and hedging. The proposed development includes the removal of Laylandi trees, which are to be replaced with hedging. Your officers have including a condition stating that a bat box, three swift bricks and hedgehog gaps in boundary fencing/hedging need to be provided. The applicant has also proposed planting native shrubs and trees to boundaries, and a wildflower section at the rear of the garden. Given the proposed measures, your officers consider that the proposed development would comply with policy EH3 of the adopted West Oxfordshire Local Plan 2031.

Other Matters

- 5.27 Bampton Parish Council have objected to this proposal raising concerns with the proposed development given existing parking issues within the locality and the covenants restricting development on the land.
- 5.28 9 Objection comments have been received against the proposal. The concerns that have been raised relate to the following:
- Detrimental to the aesthetic and historic appearance of the area and connection with the nearby airbase.
 - Design will not be in keeping with neighbouring dwellings
 - Highway related issues, given existing traffic, access and parking problems.
 - Existing covenants on the land preventing building works on land and above water, drainage and electric cables.
 - Land Ownership inaccuracies
 - Noise, disturbance and highway congestion caused during construction and potential damage to parked vehicles in close proximity.
 - Boundary line inaccuracies regarding parking spaces.
 - Loss of the trees and its impact on global warming. Details of replacement trees should be provided.
- 5.29 The concerns raised by Bampton Parish Council and the third party representatives have been carefully considered when assessing this application. Following the submission of revised drawings, given the scale of the proposed dwelling and proposed alterations to no. 29 and that the proposed materials are to be in keeping with those used within the immediate locality, your officers do not consider that the proposed development would harm the visual amenity or visual character of the area. Your officers' note that there are not any enclosed porches within the close however, there are within the immediate locality and given its sale and design your officers do not consider that it would harm the character of the area. Whilst your officers have concluded in the assessment above that the development would not give rise to highway safety and convenience issues, given the nature of the site immediately adjacent to the residential parking area, your officers have suggested a Construction Management Plan be submitted to safeguard the living conditions of the neighbouring residents. In terms of the issues raised regarding the restrictive covenants on the land and land ownership issues, these are classed as civil issues and cannot be considered when assessing a planning application. However, your officers have included an informative stating that planning permission does not override any civil or legal issues. Your officers note that trees play an important role when combatting the climate emergency. However, given the number of trees which are to be removed and that replacement

hedges and additional planting are proposed as part of the scheme, the removal of trees are considered to be acceptable. An informative encouraging sustainable development and a condition requesting details of proposed boundary treatments have been applied.

Planning Balance

- 5.30 Your officers have found that the proposed development would result in modest harm to the residential amenity of the future occupiers of the proposed dwelling, because the size of the living spaces fall below standard and because of the proximity of the adjoining neighbours car parking space, to the proposed kitchen window.
- 5.31 However, the proposed dwelling is within a sustainable location with services, facilities including a park just 60m away and transport links on offer, this attracts moderate weight in its favour. The design proposed would be reasonably in keeping with the surrounding properties, and would be unlikely to cause harm to existing living conditions to nearby residents. There is a need nationally for smaller dwellings which may appeal to single occupiers and first time buyers. Moderate weight should also be applied to the fact that the proposed dwelling would contribute to our housing supply. Having carefully considered this proposal your officers are of the opinion that, on balance, the benefits of the development outweigh the modest harm found.

Conclusion

- 5.32 In light of the above assessment, the application is recommended for approval as your officers, on balance, consider it complies with the provisions of Policies OS4, OS2, H2, EH2, T4, EH7 and H6 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF.

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 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests

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

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

- 5 The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.
 - Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
 - At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the western elevation wall of the new building;
 - At least 3 no. swift bricks to be integrated / built-in to the western elevation wall of the new building at 1 metre intervals and in accordance with Swift Conservation advice <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> ; and
 - hedgehog gaps/holes to be created through any new boundary fencing or walls

Reason: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

REASON: Control is needed to avoid any future harm to the living condition of the future and neighbouring residents.

- 7 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

- 8 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I. The parking of vehicles for site operatives and visitors
 - II. The loading and unloading of plant and materials
 - III. The storage of plant and materials used in constructing the development
 - IV. The erection and maintenance of security hoarding including decorative displays
 - V. Wheel washing facilities
 - VI. Measures to control the emission of dust and dirt during construction
 - VII. A scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts. This condition has been agreed with the applicant.

INFORMATIVES :-

- NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part I - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in

Oxfordshire (VI.2 December 2021)

- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part I - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Non-statutory technical standards for sustainable drainage systems (March 2015)
- Please note that the granting of planning permission does not override any covenants on the land or civil rights of the adjoining/adjacent properties.
- 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).

- 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/>

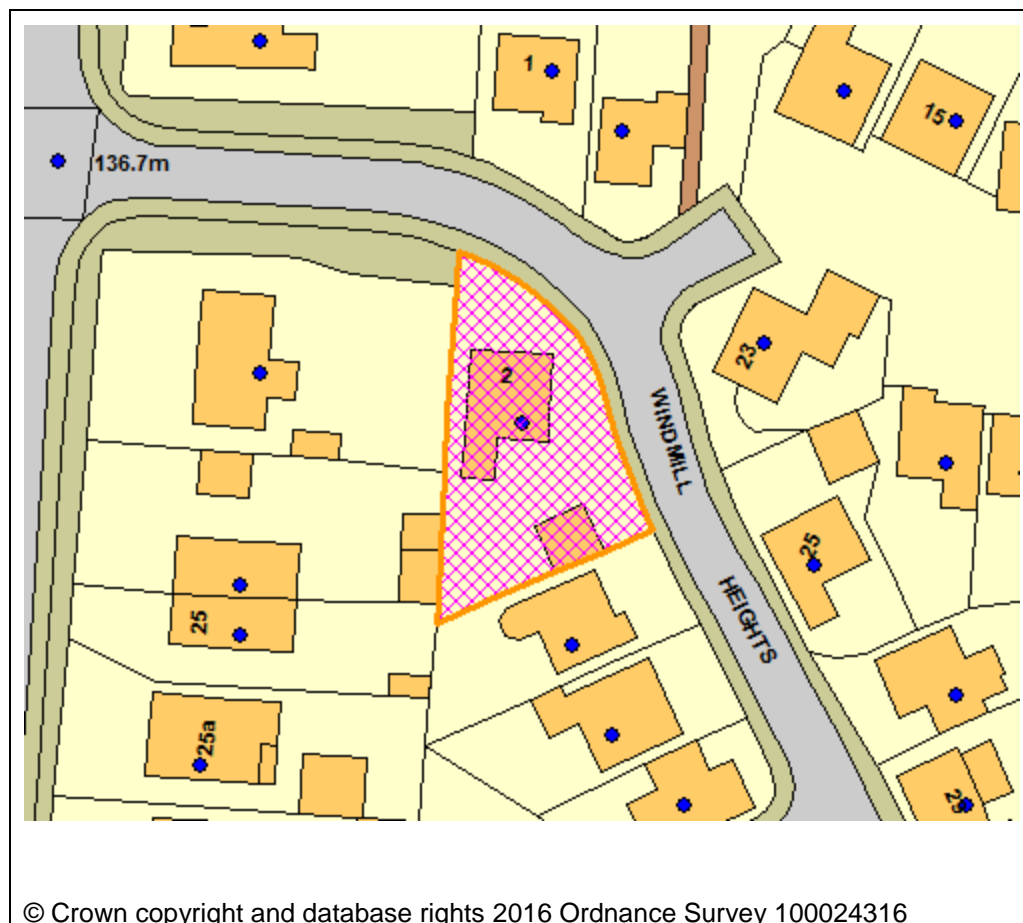
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 3rd August 2022

Application Number	22/01644/HHD
Site Address	2 Windmill Heights North Leigh Witney Oxfordshire OX29 6ZD
Date	3rd August 2022
Officer	Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438663 E 212829 N
Committee Date	15th August 2022

Location Map



Application Details:

Rear single storey extension, remove existing conservatory

Applicant Details:

Mr Matthew Parry
2 Windmill Heights
North Leigh
Witney
Oxfordshire
OX29 6ZD

I CONSULTATIONS

Parish Council

North Leigh Parish Council has no comments on this planning application.

2 REPRESENTATIONS

2.1 No third party representation have been received to date

3 APPLICANT'S CASE

- 3.1 The proposal creates no additional parking issues and vehicle and pedestrian access will remain as existing.
- 3.2 The main entrance door at the front of the property will remain.
- 3.3 The design submitted is appropriate for the site and location, has due regard to the amenity of neighbouring properties and will not have an undue visual impact in relation to its surroundings.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

NPPF 2021

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5. PLANNING ASSESSMENT**Background Information**

- 5.1 The application seeks planning permission for a rear single storey extension with the removal of an existing conservatory at 2 Windmill Heights, North Leigh, Witney, Oxfordshire, OX29 6ZD. The application site relates to a newer 1990's built detached property located in the village of North Leigh.

- 5.2 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and the impact of the proposed development on the residential amenity.
- 5.3 The application is before the Lowlands Area Planning Sub-Committee as the applicant works within the West Oxfordshire District Council Planning Department and therefore must come before the Sub-Committee.
- 5.4 This application is for the 'Rear single storey extension, remove existing conservatory.' Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:
- Principle of Development;
 - Siting, Design and Form;
 - Residential Amenities

Principle of Development

- 5.5 The proposed rear extension is to be located within the residential curtilage of 2 Windmill Heights, North Leigh. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Form

- 5.6 The rear conservatory is to replace an existing rear conservatory at the property that was approved in 1996. The footprint of the rear extension is to be roughly the same as the existing conservatory. This rear extension is to extend out on rear southern elevation of the property by 4.1 meters and have a width of 3.5 meters with the gable roof design to have a maximum height of 3.4 meters to the top of the roof and an eaves height of 2.3 meters. The rear elevation of the extension is to include French doors looking into the rear garden with the eastern side elevation including 1 large window. Both roof slopes are to include roof lights with three in total, two located on the western roof and one located on the eastern roof. All materials proposed for the rear extension are to match the existing property with stone used for the walls and tiles on the roof and the fenestration and doors to use matching uPVC.
- 5.7 The proposed rear extension would not be visible on the street scene and therefore would not give rise to any adverse impacts in regards to visual amenity.

Residential Amenities

- 5.8 Given the single storey nature of the proposed rear extension, officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity.

Conclusion

- 5.9 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

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

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

Contact Officer: Emile Baldauf-Clark

Telephone Number:

Date: 3rd August 2022