

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 14th November 2022**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

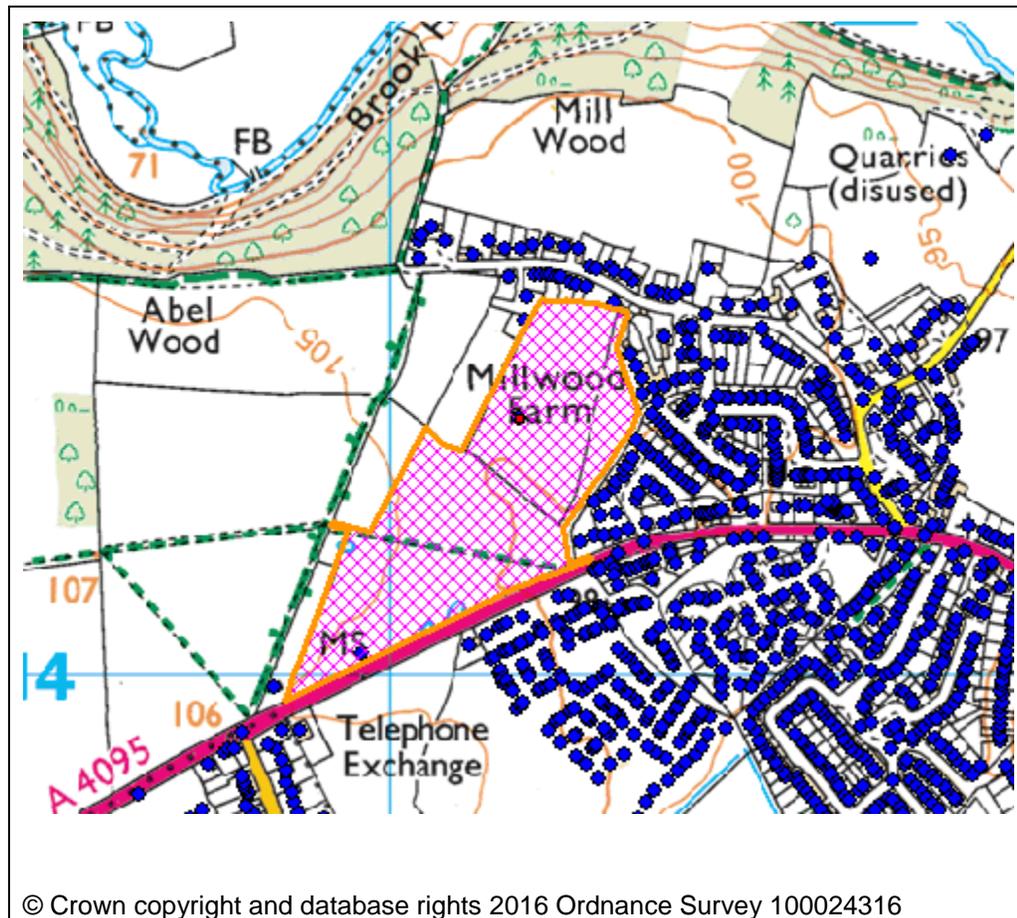
Please note that:

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

<b>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
13 - 43	22/01330/OUT	Land North Of Witney Road	Stephanie Eldridge
44 - 60	22/02429/FUL	Play Area Walterbush Road	James Nelson

Application Number	22/01330/OUT
Site Address	Land North Of Witney Road Long Hanborough Oxfordshire
Date	2nd November 2022
Officer	Stephanie Eldridge
Officer Recommendations	Provisional Approval
Parish	Hanborough Parish Council
Grid Reference	441171 E 214342 N
Committee Date	14th November 2022

### Location Map



### Application Details:

Outline application for the construction of up to 150 dwellings with access from Witney Road, open space and associated work.

## **Applicant Details:**

Mr Ashley Maltman  
Blenheim Estate Homes  
The Estate Office  
Blenheim Palace  
Woodstock  
Oxon OX20 1PP

## **I CONSULTATIONS**

Parish Council

Hanborough Parish Council (HPC) wishes to explain why we continue to object to development in the North Field which is the subject of the above planning application. Although this latest submission has been reduced from 170 to 150 dwellings and the overall layout "massaged" into a denser 'built' core with greater landscaping at the edges, there are fundamental reasons why this proposal will cause considerable harm to Long Hanborough and its infrastructure:

1. If this proposal is approved, 525 new homes will have been added to our community in the space of only a few years. Hanborough can barely sustain the present population and another (approximately) 400 people will put unbearable strain on services generally. We have a poor range of services and facilities and can only tolerate very modest levels of additional dwellings each year - HPC respectfully points out that the WODC Local Plan 2031 Section 4.21 confirms this - 150 new dwellings are not "modest". Specific issues:

- The GPs surgery already suffers from long waiting times (despite it being built specifically as part of recent expansion)
- The dentist in the village is full and not accepting adult patients.
- The Water infrastructure is extremely close to capacity.
- Traffic congestion (see point 4 and 5)
- Schools incl. pre-Schools are at capacity (see point 6)

2. The indicative site layout plan accompanying the application suggests a dense "core" of new dwellings astride pathways either side of Grimm's Ditch. If the designs produced south of the A4095 are to be repeated here HPC fears that this will create a completely incongruous mismatch between the architecture and its setting. The edges of villages need a varied "feathering out" appearance so that spaces between buildings look natural - not a "hard edge" of reconstructed stone with all roof pitches identical.

3. The view of the Conservation Area approaching Hanborough from Freeland will be destroyed by this development. It will be many years before the proposed tree screening shown on the applicant's

plan is substantial enough to work - and, even then, the aforementioned view will be lost anyway. NPPF Paras. 132 and 133 state that "in order for any 'harm' to a Conservation Area to be allowed there must be clear and convincing justification that proves it is required for the greater public benefit". There has been absolutely nothing from the applicants to address this requirement.

4. Traffic flows through Hanborough are reaching capacity at key times, often with complete standstill scenarios at both ends of the working day. This proposal will require an additional right turning lane, which together with the existing right turn into Hanborough Gate, will make the 'geometry' very complicated and potentially dangerous. Traffic going westwards already accelerates when drivers see the open road towards Freeland and there have already been many "near misses" at this junction. The applicant's own Traffic study shows that some vehicles were recorded travelling at over 50mph in what is a 30mph zone and we cannot see how the proposed 'double junction' can operate safely without traffic light controls. This will create an "urbanising" effect on the edge of our village.

5. We would also question some of the criteria used by the applicant's Traffic Consultants in their submission. Vehicle movements to and from dwellings are today vastly increased from what they used to be. In addition to the private car movements there are now a large number of daily delivery vehicle movements to each house - a few moments spent mid-morning in Hanborough Gate will demonstrate the significant presence of Ocado, Amazon and assorted other delivery vehicles moving around the site on estate roads that are not wide enough for that volume of traffic, thus harming the environment and our social fabric. The mini roundabout at the Co-Op is also a significant pinch point and will only get busier as traffic increases.

6. NPPF Paragraph 73 states that "new development should be well supported by local infrastructure and that there should be a choice of transport modes". HPC believes one modest supermarket, a fish and chip shop and a single route bus service that stops operating at 7.00pm each day certainly does not meet this requirement.

7. The applicant's own submission admits that there is no chance of Hanborough having enough school places for more children that may be generated by this application. Primary, Secondary, Special and pre-School provision is already at capacity and if children are to be denied school places locally this will seriously harm community cohesion. This will mean that parents will need to transport their children to available schools outside of the locality and by car, as our bus service is inadequate and does not 'link' the primary schools that feed Bartholomew Secondary school. This will inevitably further increase local traffic density through the villages of Long Hanborough and Church Hanborough at peak travel times during the day. All our preschool facilities have waiting lists until 2025 and Christ Church

have run out of space for all their children to attend 'Sunday School'.

8. The North Field is of archaeological interest, including Grimm's Ditch, which has been designated as a scheduled monument in other locations. The site is clearly significant and must be fully surveyed and evaluated.

In conclusion HPC feels that this proposed scheme will have a serious and harmful impact on the character and appearance of our community, in particular the setting and perceived edge of the settlement. It goes against many relevant sections of the NPPF and the harmful effects resulting from it will be experienced for many years to come. These effects cannot be mitigated.

Furthermore, multiple parts of our infrastructure are already beyond capacity, with no plans to extend or enhance them. This proposal will only exacerbate these problems.

Finally, WODC have clear plans for development across the district (including a rolling 5- year housing supply) and this site is not in those plans. What is also clear is that significant landowners could 'slow walk' these plans and deliberately 'collapse' the 5-year land bank, knowing that this would allow a 'free run' at planning applications across the district. This should not be allowed to happen.

We hope that you can take on board our comments and that you will present them to Committee as necessary along with your recommendation.

Major Planning Applications  
Team

#### TRANSPORT

No objection subject to the following:

- S106 Contributions as set out in the County's response to West Oxfordshire District Council of 21 July 2022, but excluding the requirement for a contribution to the Lower Road cycle route;
- An obligation to enter into a S278 agreement as set out in the County's response to West Oxfordshire District Council of 21 July 2022;
- Planning Conditions to be set out at the Reserved Matters stage;
- Note should be taken of the informatives as set out in the County's response to West Oxfordshire District Council of 21 July 2022.

LEAD LOCAL FLOOD AUTHORITY

No objections, subject to conditions.

ARCHAEOLOGY

No objections, subject to conditions.

EDUCATION

No objections, subject to S106 contributions.

WASTE MANAGEMENT

No objections, subject to S106 contributions.

ERS Air Quality

We are satisfied with the response received from the applicant. No objection to the application, subject to a condition.

Cotswolds Conservation Board

Having again reviewed Chapter 8 of the Environmental Statement, the Board wishes to maintain our holding objection in respect of this issue.

Paragraph 8.10 of the Environmental Statement states that traffic counts were taken by the applicant to quantify the existing traffic flows on the local road network at four points in the local area. None of these points are located within the National Landscape. Figure 8.1 of the Environmental Statement shows the road links assessed by the applicant; these do not include any roads within the National Landscape, including Swan Lane where the road crosses into the National Landscape a short distance from the site.

As such, this route does not form part of the applicant's modelling and no assessment has been made of the current baseline traffic flows into and out of the National Landscape.

The applicant states that their assessment demonstrates that traffic flows will increase by only up to 6% on most local roads outside of the National Landscape (with the exception of Church Road to the south of Long Hanborough which will see a 12% increase) and therefore predicted traffic flows generally fall below the 10% threshold cited at Section 4.5 of the Board's Tranquillity Position Statement. In their view, as the 10% threshold is generally not reached on roads outside of the National Landscape, this confirms that the development will not harm its tranquillity and no further assessment is required.

In our view, this argument is flawed. The assessment does not consider any roads within the National Landscape and relies upon baseline counts taken on busier roads (principally the A4095) located outside of the protected landscape which see far higher traffic flows than could reasonably be expected on Swan Lane. Therefore, the proportionate increase in traffic flows as a result of this and other recently consented developments on these busier roads could be less than on the quieter roads within the National Landscape. Such an assessment does not, in our opinion, confirm that the development will not cause harm to the tranquillity of the AONB.

Accordingly, we continue to request that an assessment of the cumulative highways impacts in relation to the tranquillity of the National Landscape is carried out; it is understood that the Council and the applicant have agreed a list of sites to be considered in an assessment of cumulative impacts.

Parish Council

No Comment Received.

Adjacent Parish Council

Freeland Parish Council (FPC) object to the above planning application that is currently out for consultation.

The initial application was split into sites north and south of the A 4095. The southern site is now almost completed. That to the north was refused permission and the appeal withdrawn in 2018. The LPA reasoning for upholding their decision at the time of the appeal was that the harms of the proposal outweigh the benefits. FPC considers that this remains valid for the current proposal for the following reasons:

- In terms of housing need, the large scale provision of housing at Salt Cross, together with that already completed or soon to be delivered in Long Hanborough, will offer ample provision for the coming 10 years.
- This proposed development would further erode the character of the local area, potentially resulting in the coalescence of the villages of Freeland and Long Hanborough. FPC has always had concerns over the loss of green space between the villages resulting in their eventual merging. This was borne out by a recent survey of residents.
- The area is immediately adjacent to the Cotswolds National Landscape, and therefore requires consideration as to its impact upon this nationally designated landscape. It also falls within the visually sensitive Lower Evenlode Valley character area, and is adjacent to the Hanborough Conservation Area. The site is, therefore, extremely sensitive to development.
- In relation to transport and infrastructure, Freeland Parish Council consider that the proposed development will have an

increased detrimental impact on the already congested A4095.

- An additional consideration is the strain on the local sewerage system. The Evenlode and its tributaries are already chronically polluted with phosphates, largely emanating from an increased local population. No further development of any scale should be permitted until Thames Water have upgraded their local facilities to remove phosphates from local works, e.g. that at Church Hanborough.

Major Planning Applications  
Team

No Comment Received.

WODC Planning Policy  
Manager

The WODC Policy team response is concluded as follows:

Given that the District Council acknowledges that it is currently unable to demonstrate a 5-year supply of deliverable housing land, the 'tilted balance' of the NPPF is engaged, whereby there is a presumption that planning permission will be granted unless:

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

As set out in the comments above, this does not completely negate the policy requirements of the Local Plan, but it does mean that less weight is able to be afforded to those policies of relevance to the application than would otherwise be the case.

In this instance, particular consideration needs to be given as to whether the harms identified by those responding to this proposal 'significantly and demonstrably' outweigh the benefits. The key benefits include the provision of additional housing to help meet the Council's five year housing land supply, affordable housing, potential for biodiversity net gain and the economic benefits development would bring.

The potential harms include: adverse impacts on the character and setting of the historic environment, particularly the Conservation Area; the landscape impacts, especially on the AONB and Abel Wood; and the distance from many of the key services and facilities which has the potential to increase reliance on the use of the private car and further contribute to traffic volumes on the A4095.

## WODC Housing Enabler

The site is within the high value zone and would trigger a requirement under Policy H3 - Affordable Housing to provide 50% of the completed dwellings as affordable housing. The Planning Statement confirms that this requirement will be met. Policy guidance on the ratio of smaller to larger affordable homes will also be met. Tenure split and rent model are not described in the planning submission.

Having examined those who are registered on the Council's Homeseeker+ system that have indicated a wish to rent a home in Long Hanborough, I can confirm the following house types are required to meet housing need:

1 Bed single - 124  
1 Bed Couple - 37  
2 Bed - 68  
3 Bed - 44  
4 Bed - 8  
5+ Bed - 5  
Total - 286

Applicants can identify up to three locations when selecting their areas of preference. Only when an applicant makes a successful bid to the Homeseeker+ system will their full connection to areas within and the whole of West Oxfordshire be picked up.

The Homeseeker + priority bandings that the 286 applicants fall under are as follows:

Emergency - 1  
Gold - 9  
Silver - 46  
Bronze - 230  
Total - 286

The bandings are used to assess an applicant's housing needs and are broadly explained as:

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

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

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

Bronze = All other applicants not falling into the above categories.

Affordable Housing provided on this development would make an important contribution to local housing need. In addition to the 286 applicants as shown above, there are a further 2649 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

District Ecologist	No Comment Received.
WODC - Sports	After reviewing this application, in line with the Councils Facility Planning Models (FPM) for sports halls and swimming pools (conducted by Sport England in June 2021) and the draft Playing Pitch Strategy (due for adoption Autumn 2022), should this proposal be granted planning permission then the Council would require an off site contribution towards leisure facilities in the catchment area.
WODC - Arts	Should this proposal be granted planning permission then the Council would favour the following approach:  An allocation of £15,750 towards public art to enhance onsite public spaces and infrastructure by introducing unique features to aid orientation and create engaging places for people/residents to meet and interact, socialise and keep healthy.
Oxford Clinical Commissioning Group NHS	No Comment Received.
WODC Env Health - Uplands	No Comment Received.
WODC Env Consultation Sites	No objection, subject to condition. Further to planning application 22/01330/OUT, at this stage I object to this application, as there is a clarification requirements regarding some aspects of the Air Quality Assessment (AQA) undertaken by ACCON UK.
WODC Landscape And Forestry Officer	No Comment Received.
ERS Air Quality	No Comment Received.
TV Police-Crime Prevention Design Advisor	I have reviewed the submitted documents and crime statistics for the area, and am pleased to see that the guidance provided by Secured by Design has been considered and mentioned within the DAS.  At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.  In order to safeguard future developments and their residents from crime and antisocial behaviour, I ask that crime prevention and

community safety is a key consideration which is specifically addressed within forthcoming applications.

Thames Water

Waste Comments

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

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

Thames Water are currently working with the developer of application 22/01330/OUT to identify and deliver the off-site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 49 dwellings but beyond that upgrades to the water network will be required. Works are on-going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Climate

A full version of the Sustainability Assessment is available on the Council's website. This outlines how each of the sustainability standards have been addressed within the application. No objections raised.

Wychwood Project

No Comment Received.

Conservation Officer

No Comment Received.

NPCU (Formerly GOSE)

No Comment Received.

Environment Agency

We acknowledge that this application is accompanied by an Environmental Statement. There are no constraints with regards to

our planning remit. Therefore, we have no objections to the application.

## **2 REPRESENTATIONS**

2.1 254 letters of objection have been received in respect of this application. The key issues raised relate to:

- Effect on local ecology;
- Highways;
- Increase danger of flooding;
- Landscape;
- Neighbourliness;
- Design and Layout;
- Policy/Principle;
- Lack of Infrastructure;
- Impact on heritage assets;
- Archaeology.

## **3 APPLICANT'S CASE**

3.1 The Planning Statement is concluded as follows:

3.1.1 Land north of Witney Road provides an important opportunity to deliver a high-quality development in a sustainable location, which currently suffers from significant housing need and poor affordability. West Oxfordshire District Council is unable to demonstrate a five-year supply of housing land and therefore the presumption within the National Planning Policy Framework in favour of granting planning permission for residential development on sustainable sites is engaged.

3.1.2 The development will provide a sensitive extension to the village, in a sustainable location within walking and cycling distance of local services and amenities. The application's explicit commitments to high-quality design, sustainability and biodiversity net gain reflect Blenheim Estate Homes's aspirations to build exemplar new housing.

3.1.3 The masterplan has followed a landscape-led approach, which offers significant open space and habitat creation to help integrate the development with its surrounding, whilst also providing valuable amenity space for future residents. The proposal adopts a truly sustainable approach through its commitment to achieve the Passivhaus standard for all new homes, aspiration to be Net Zero Carbon, along with providing a priority for pedestrians and cyclists and the incorporation of renewable energy technologies.

3.1.4 In addition to the much-needed new housing, the development will also provide funding revenue to help maintain and restore Blenheim Estate Homes's historic assets including the World Heritage Site and the main estate.

3.1.5 The ES and technical assessments demonstrate that there are no technical or environmental constraints that will prevent the development taking place. The inevitable harm associated with the loss of a greenfield site is moderated by the demonstrable position that:

- The area proposed for development is not of high landscape or biodiversity value and is not of the highest agricultural land value;
- The development will not lead to severe impacts in terms of transportation;
- There are no technical constraints to the development of the site, the proposals address issues such as infrastructure requirements, surface water attenuation and utilities;
- The social, economic and net environmental benefits to be delivered by the development are significant;
- The adverse impacts of the development, as proposed and with mitigation, do not significantly or demonstrably outweigh the benefits.

3.1.6 In accordance with planning law and policy guidance, the planning application should be approved without delay.

3.1.7 In summary, the proposed development has been carefully developed to deliver Blenheim Estate Homes's objective to create a beautiful place that people will want to live, both now and in the future, whilst also achieving the highest practicable levels of sustainability, biodiversity gain and community benefits.

## **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

H3NEW Affordable Housing

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

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH16 Non designated heritage assets

DESGUI West Oxfordshire Design Guide

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

## 5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 150 dwellings (including 50% affordable) with access, open space and associated work on a site to the north of the Witney Road on the western edge of the village of Long Hanborough.
- 5.2 The site is relatively flat, although there is a rise to the west of the site and 'dips' towards the east. The application site sits within an area of land which is previously undeveloped and used for arable agricultural purposes. The site is bounded to the north by the Millwood End Conservation area and to the east by the existing later 20th century residential development. The boundary of the Cotswold AONB is also located approximately 35m to the north of the site. To the west of the site is open countryside and a public right of way. The public right of way continues through the site from east to west, then continues northwards to the AONB boundary. To the south there is an extensive hedgerow and trees which abut the A4095.
- 5.3 There are a few listed buildings located to the north of the site within the Millwood End Conservation area.
- 5.4 The site is visible from the public right of way and also in private views from residential properties to the north and east, and from the few interceding public vantage points from the Conservation area.
- 5.5 Consent was granted (refs: 14/1234/P/OP & 17/00578/RES) for the erection of 169 dwellings, open space and associated works on land to the south of Witney Road, directly opposite the site. This development known as 'Hanborough Gate' now been built out. It includes an newly constructed doctors' surgery.
- 5.6 The drawings submitted propose to retain the extensive hedgerow and tree belt at the front of the site (other than the removal of a small number of trees to facilitate the access). New areas of woodland planting along the southern boundary of the site are also proposed. The hedgerows and trees will be also be retained along the western, northern and eastern boundaries alongside the addition of new planting. This is indicated on the proposed landscape plan.
- 5.7 The plans also indicate that the residential development will sit north of the public right of way (which is to be upgraded) with open space (to include amenity green space, natural and semi-natural green space, parks and recreation grounds, tree and structure planting, ecological enhancements and natural play areas) to be provided at the front of the site adjacent to the A4095, to the rear of the residential development adjacent to the Millwood End Conservation area (to include space for allotments), and within a strip of land to the west which includes an archaeological protection area and an equipped play space.
- 5.8 Archaeological surveys of the site have also identified a central linear feature referred to as 'Grimm's Ditch'. This is not visible above ground. Therefore, it is proposed to retain a central green corridor through the area identified for residential development to ensure that this is undisturbed.
- 5.9 The new access is proposed from the A4095 near the south east corner of the site.
- 5.10 It is envisaged that the proposed development would be up to two storeys in height and will vary in size and house type.

- 5.11 A range of supporting information has been provided with the application, and a number of amended/additional reports and an amended access plan has been submitted to address initial technical objections raised by statutory consultees.
- 5.12 The proposal is classed as EIA development due to the proposal site area exceeding 5 hectares and the potential for cumulative impacts of this development on Long Hanborough and the surrounding area. As such an Environmental Statement has been submitted with the application to provide information on the likely significant environmental effects of the developer and any required mitigation measures which may be needed to make the development acceptable and sustainable.
- 5.13 The scope of the Environmental statement is considered sufficient to fully assess the likely impacts set out within the report. In light of the responses received from the relevant technical consultees, your officers consider that this proposal is unlikely to be EIA development of national significance.

### **Planning History**

- 5.14 Planning application 17/01082/OUT was submitted for the 'erection of up to 170 dwellings with access from Witney Road, open space and associated works'.
- 5.15 When the application was considered the WODC Local Plan was out of date and the Council were unable to demonstrate a 5 year housing land supply and your officers recommended that:

'Assessing the scheme in the round, on balance, the benefits of the proposal are considered to outweigh the harms and therefore with reference to paragraphs 14, 49 and 134 of the NPPF the proposal in this case is considered, on balance, to represent an acceptable form of development. The application is accordingly recommended for approval subject to the detailed conditions suggested and the necessary legal agreements.'

- 5.16 However, Members took a different view and the application was refused for the following reasons:

1. The proposed site is located in the countryside beyond the existing settlement edge of Long Hanborough and lies adjacent to the Millwood End Conservation Area. It would represent an unacceptable incursion into the countryside that provides a rural setting for the village and Conservation Area and would not represent an appropriate addition to the settlement. It would be highly prominent and visible in public views from Witney Road and public rights of way. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. There would be less than substantial harm to the Conservation Area's setting and significance. The effect on buried archaeology is not yet fully understood and the proposal could be harmful to undesignated heritage assets. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, BE5, BE12, NE1, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, H2, EH1, EH7, EH8, EH14, and EW2, and the relevant policies of the NPPF, in particular paragraphs 17, 58, 132, 134 and 135.
2. The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, makes an appropriate contribution to public transport services and infrastructure, and public art. 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 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

5.17 An appeal was lodged but was subsequently withdrawn.

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

### **Principle**

5.19 This is an undeveloped, greenfield site on the north-western edge of Long Hanborough.

5.20 In terms of the principle of residential development in this location, the most relevant policies of the Local Plan 2031 are Policies OS2 and H2. Dealing with each in turn:

#### *Policy OS2 - Locating Development in the Right Places*

5.21 Policy OS2 adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton.

5.22 Long Hanborough is defined as one of a number of rural service centres along with Bampton, Burford, Charlbury, Eynsham and Woodstock. A new rural service centre will be created through the Oxfordshire Cotswolds Garden Village (now known as 'Salt Cross') to the north of the A40 near Eynsham.

5.23 Of these rural service centres, Policy OS2 identifies Eynsham as having a particular role to play in meeting the housing needs of the District and Oxford City and scope for a 'reasonable scale of development' at Woodstock.

5.24 Burford and Charlbury are identified as being 'relatively constrained' by their AONB location and Bampton and Long Hanborough are identified as having 'a more restricted range of services and facilities' and thus suitable for a 'modest level of development to help reinforce their existing roles'.

5.25 Two residential allocations are proposed at Long Hanborough, one of which (Oliver's Garage - 25 dwellings) is under construction with the other (Land at Myrtle Farm - 50 dwellings) yet to come forward although expected to be developed within the plan period to 2031.

5.26 In addition to these two allocated sites, since the adoption of the Local Plan, there have been a number of other major residential developments permitted and built out or under construction at Long Hanborough.

5.27 Also of relevance to the principle of development in this location are the general principles set out in Policy OS2. As these are general principles which are intended to apply to all forms of development, not just residential schemes, they remain applicable irrespective of the 5-year housing land supply position.

5.28 Those listed below are particularly relevant and need careful consideration for this sensitive site and significant proposal:

5.29 All development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Avoid the coalescence and loss of identity of separate settlements;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development.

5.30 Also of relevance to the principle of residential development in this location is Policy H2 - Delivery of New Homes which sets out the overall local plan housing requirement and how this will be phased over the plan period to 2031. It also set out the specific circumstances in which new dwellings will be permitted at rural service centres including Long Hanborough.

5.31 Given the application site is not allocated for development and comprises an undeveloped, greenfield site adjoining the built area of the village, the most relevant criterion is:

- 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.

#### *The Development Plan*

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

#### *National Policy/Guidance*

5.33 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF (Paragraph 11d) goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

- 5.34 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where there has been a persistent under-delivery of housing, a 20% buffer is applied. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date (identified in footnote 8).
- 5.35 In a recent appeal decision (Land East of Barns Lane, Burford) the Inspector found that the Council cannot currently demonstrate a 5-year supply of housing land. As such, the provisions of paragraph 11d) of the NPPF are engaged.
- 5.36 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the proposed development.

### **Housing Mix**

- 5.37 The proposed housing mix is only illustrative at this stage. However, the indicative information submitted would accord with the required housing mix outlined in policy H4 of the Local Plan.
- 5.38 Further, 50% of the development is proposed as on site affordable housing which is considered to comply with policy H3 of the Local Plan. The Council's Housing Enabling Officer has confirmed that the policy guidance on the ratio of smaller to larger affordable homes will also be met.
- 5.39 In addition, policy H5 requires all housing developments of 100 or more dwellings to include 5% of the plots to be serviced and made available for custom and self-build which is proposed.
- 5.40 Both would be secured via a legal agreement if Members were minded to approve the application.

### **Siting, Design and Form**

- 5.41 As the application is for outline consent only, no definitive layout, elevation or floor plans have been provided.
- 5.42 However, illustrative plans have been provided showing that a scheme of 150 dwellings could be comfortably accommodated on the site while taking into consideration the other site constraints. The area identified for proposed built form is set away from the Conservation Area and is set back from the Witney Road behind existing landscaping with areas of open green space for biodiversity enhancements and retention of archaeological features. The density parameter plan submitted indicates that there would be an average net residential density of 33.7 dwellings per hectare within the area for residential development. This is considered to be appropriate for the village, while also responding to local and national planning policy guidance to make the best and most efficient use of land. The plans also indicate that building heights would not exceed 10m in order to limit the wider visual impact of the development and to respond to the existing built form to the east.
- 5.43 Similar to the previous application (ref: 17/01082/OUT) your officers have concerns about the overall connectivity and legibility of the proposed development. The site is to be accessed from the one access in the south eastern corner of the site with no points of connection or other links into

the settlement to the east via Bolsover Close or Millwood End to the north. However, your officers accept that the constraints of the site are such that there are no available connections to make. Further, it is acknowledged that there is an existing right of way through the site which would connect the development to the north, which would help link the site to the village by foot via the public rights of way network and for recreation to the countryside beyond.

## **Landscape impact**

- 5.44 The site lies within the Lower Evenlode character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed rolling vale farmland. The principal factors that potentially threaten landscape quality in this area include: intrusion from built development; and expansion of rural settlements and suburbanisation of the wider countryside.
- 5.45 As part of the Environmental Statement submitted, a detailed Landscape and Visual impact assessment has been carried out identifying the key landscape-related planning designations, as well as relevant nature conservation and cultural heritage designations that will also have an impact in terms of the landscape.
- 5.46 The LVIA states that the site is largely visually contained, with the majority of views limited to the immediate area. The gently undulating landscape, combined with intervening woodland blocks, established tree belts, hedgerows and the settlements of Long Hanborough and Freeland, truncate mid-range to distant views.
- 5.47 The development would have a visual impact locally, in replacing open countryside with an amount of housing which would be visible in both public and private views. There is a very clear boundary formed by the settlement edge and domestic boundary treatments on the north and eastern side of the proposed development area. It is noted that as a result, the loss of those open countryside views and the rural setting to this part of the village would be altered. However, there are no rights to protection of private views, and the harm to the rural setting would have to be very much weighed in the balance against the wider public benefits arising from the scheme.
- 5.48 The proposal will involve the removal of stretches of the hedge line and trees along the south of the site to make way for the means of access and necessary engineering required to address the slight change in land levels. It is noted that this will have an urbanising impact on this approach to the village, however, as above; this limited harm must be weighed against the wider public benefits of the scheme.
- 5.49 Taking the site as a whole trees and hedgerows would be substantially retained and development would be set back from these features, allowing appropriate tree protection measures to be employed where necessary.
- 5.50 More detailed landscaping proposals for the whole of the site would need to be provided at the reserved matters stage to show tree species, size and planting density. This would also have to accord with the details required by the Council's Ecologist for biodiversity reasons. The creation of a landscaped margin and the copse area to the site's western edge will be particularly important in reinforcing the separation between built form and agricultural landscape to the west. The agricultural land in this location forms a rural setting for Long Hanborough and therefore the buffering and screening are important components of the proposed scheme.

## **Impact on the setting of the AONB**

- 5.51 As stated above, the boundary of the Cotswold AONB is located approximately 35m to the north of the site.
- 5.52 The Cotswold Conservation Board has raised a holding objection to the application due to concerns over the potential impact of the development on the Cotswolds National Landscape and the tranquillity of the AONB directly or in combination with other developments increasing traffic flows by 10% or more in the roads 'in and directly adjacent to the AONB'.
- 5.53 The Environmental Statement (ES) submitted includes a chapter on traffic generation, including the traffic from the development in isolation and in combination with other committed developments in the area. It concludes that the proposed development will lead to negligible increases (generally 6%) in traffic flows on all of the local roads around the development, apart from Church Road where a 12% increase is predicted. As Church Road is not in or adjacent to the AONB, the ES confirms that the development will not cause harm to the tranquillity of the AONB in this regard.
- 5.54 Further, whilst there will undoubtedly be some landscape impact on the rural character of this part of the village, the impact on the AONB will be very limited indeed given distance the proposal is from the AONB boundary, and the containment of the development to the lower part of the site. Your officers consider the impact on the 'rural' approach could be successfully mitigated against and indeed, there are opportunities to for both landscape and biodiversity enhancements which would be considered, on balance, to outweigh this harm.

## **Heritage**

- 5.55 The site adjoins of the Millwood End Conservation area which comprises of a number of traditional buildings, some listed, interspersed with more recent development to the east of the development site.
- 5.56 As the site adjoins the Millwood End Conservation area, the Local Planning Authority is required to consider section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.57 Further, in light of the nearby listed buildings, the LPA is also required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 5.58 Your officers consider that the application site and its rural setting forms part of the setting to the village and, thus, part of the setting of the Conservation Area. Also, the Conservation Area derives part of its significance from its setting, in this case, a setting which contributes to the rural character

of the village. As such development within this setting must be assessed within the above framework.

- 5.59 Your officers are of the opinion that the proposed development would result in a low to medium level of less than substantial harm to the setting of the heritage assets due to the residential development being set away and screened from the Conservation Area and listed buildings. There are limited public view points from within the Conservation Area where the proposal would be highly visible, as the Conservation area itself is well contained and the proposed development is set away and will be lower lying than the immediate public vantage points.
- 5.60 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.61 In this case, your officers are of the opinion that there are wider public benefits coming forward from the application in terms of 50% affordable housing provision, biodiversity enhancements and other financial contributions to facilities for the local community. When taking this in the balance, the less than substantial harm identified is considered to be outweighed by the wider public benefits arising from the proposal.

## **Archaeology**

- 5.62 The site is located in an area of archaeological interest set out in the cultural heritage chapter of the Environmental Statement submitted with this application. The northern part of the site was subject to an archaeological geophysical survey and trenched evaluation as part of a previous application for the site. These investigations recorded a large ditch crossing the site from north to south and an area of enclosures and an undated pit.
- 5.63 The County Archaeologist raised an initial objection and requested an archaeological evaluation to assess the impact on the potential continuation of Grimm's Ditch from the proposed play area and attenuation pond.
- 5.64 Following discussions with the applicant's archaeological consultant this proposed play area has now been relocated away from the area of this potential continuation of this significant feature. The County Archaeologist has confirmed that this will remove this possible impact and will preserve this feature in situ. The revised landscape plan also highlights that the areas of Iron Age settlement identified from the archaeological evaluation and geophysical survey will be preserved within green space and will therefore not be impacted by this development.
- 5.65 The proposed development will preserve the majority of Grimm's Ditch within the site and the swales, roadways and planting scheme have been designed to avoid impacting this feature along most of the route. This is set out in the revised design and access statement part 7.
- 5.66 In light of this, the application is considered to be acceptable in this regard subject to a condition ensuring the implementation of a staged programme of archaeological investigation to be undertaken ahead of the period of construction.

## **Biodiversity**

5.67 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced 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. All major and minor applications should demonstrate a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version.

5.68 Following initial comments from the Council's Ecologist, all required biodiversity survey work has been carried out and further details of the proposed biodiversity enhancements and net gain provision have been submitted.

5.69 The final response from the Council's Ecologist remains outstanding. An update will be provided to Members either verbally or within the additional representations report regarding this matter.

## **Highways**

5.70 Access would be taken from the A4095 by way of one estate road. The site is located within a reasonable walking and cycling distance of the village facilities, although convenient pedestrian and cycle access has not been fully demonstrated with regard to the connectivity to the north and west.

5.71 The applicants have indicated that this is not possible due to the arrangement of built form and private properties which bound the site at these points. A further pedestrian footway is proposed from the rear of the bus stop along Witney Road to join up with the existing right of way that runs east to west through the site.

5.72 The Local Highway Authority raised an initial objection to the proposals for the following reasons:

- Insufficient information and analysis regarding Bladon roundabout;
- Insufficient information is provided regarding the site access proposals.

5.73 Following this objection, revised and additional information was submitted and the County has confirmed that their concerns have been overcome.

5.74 The Local Highway Authority has stated that the proposed development, whilst towards the western edge of Long Hanborough, is in an accessible location and is relatively well connected to the village. Local amenities such as a local store, primary school etc. are within walking and cycling distance, and the site is in close proximity to bus stops which provide services to Witney, Woodstock and Eynsham. Long Hanborough also has a rail station. Therefore, access to public transport options is available. It is also noted that applicant proposes to implement a pedestrian crossing island near to the new priority junction into the site, as well as creation of a new footpath and cycling south of the site to connect to the existing footway / cycle way along the A4095 Witney Road.

5.75 In light of the information submitted, the Local Highway Authority has raised no objections to the application subject to S106 contributions towards: Strategic highway infrastructure along the A44 corridor;

- Support and improvement of bus services 233 and 411 at Long Hanborough;
- Provision of real time information displays at bus stops adjacent to the site;
- Monitoring of the Travel Plan over a five year period;
- Improvements to the public rights of way network in the vicinity of the development in the impact area up to 2km from the site.

5.76 It is also recommended that the applicants enter into a S278 Agreement to secure the site access junction. Informatives have also been set out by the County and planning conditions are to be agreed at the Reserved Matters stage.

### **Residential Amenities**

5.77 Your officers consider that it is possible that 150 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as regards adequate light could not be provided in respect of the application site itself, given the indicative layout provided. These matters would be fully assessed and taken account of at reserved matters stage. There is also no reason to believe that existing properties to the north and east would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. However, the outlook from some properties in particular, would be affected in terms of the loss of an attractive view, but effect on a private view is not material to this assessment.

5.78 It is acknowledged that short term effects can be experienced during the construction phase, such as construction vehicle movements, noise from construction activities, and pollution such as dust. However, such impacts arising could be ameliorated through compliance with a construction management plan. The tranquillity of the area would undoubtedly be affected by a development of this scale on a site in the countryside and this has a bearing in terms of public amenity and experience of the rural environment by walkers etc.. However, in terms of private amenity it is not possible to say that the development would impact on existing residents in a materially harmful way as regards noise and disturbance. It is likely that suitable boundary treatments and planting would perform a function as acoustic barriers to nearby residents. A certain level of activity is already experienced by existing residents in terms of the layout, density and relationship of existing housing to each other and individual proximity to the highway (those on the Witney Road).

### **Drainage**

5.79 Following the submission of additional information in response to an initial objection, the Local Lead Flood Authority has raised no objections to the application, subject to the imposition of a pre-commencement surface water drainage condition.

### **Air Quality**

5.80 Additional technical information was also submitted to address a holding objections received from the Council's Environmental Regulatory Service regarding some of the points raised in the Air Quality Assessment submitted.

5.81 The Council's ERS team have now confirmed that the application is acceptable in this regard subject to a condition requiring the submission of a Construction Environmental Management Plan (CEMP)

to minimise the creation and impact of noise, vibration, dust and light spill/glare; provide details of the hours of operation; and, detail waste management arrangements. The plan shall cover all aspects of the works, including, site preparation, groundwork and construction phases of the development. It shall also include measures to manage heavy/large goods vehicle access to the site and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

## **Infrastructure**

5.82 A number of objections received refer to the strain of the development on infrastructure and services in the village arising from the disproportionate growth of new housing in recent years, in particular education provision.

5.83 In terms of education, pre-school provision in Long Hanborough is already over-subscribed. Given the scale of housing growth expected in Hanborough, additional capacity will be required to ensure that all families can access pre-school education within the village. Increased capacity is likely to result from expansion of an existing provision - work is ongoing to identify the most suitable project to achieve this aim. An Early Education Contribution of £188,780 is required by the County Council.

5.84 With regard to Primary education, the development lies within the designated area of Hanborough Manor Primary School, which has very recently expanded to 1.5 form entry (total capacity of 315) in order to accommodate planned and permitted development in the local area. A proportion of the cost of this expansion was forward funded by Oxfordshire County Council. Since this development will require some of the capacity created by this expansion, it is required that it will contribute £1,500,180 towards the cost of the project.

5.85 In terms of Secondary Education, the proposed development lies within the designated area of Bartholomew School, which has capacity for 1,300 pupils, and as of January 2022 had 1,328 pupils on roll. The existing school could not, therefore accommodate the scale of pupil generation from the proposed development on top of that which will be generated by already permitted development.

5.86 The manner of expansion of capacity to serve Eynsham's growth, including this proposed development, is planned to be through the construction of a new 600-place secondary education facility on a site within the Garden Village. The Eynsham Partnership Academy trust intends to submit a business case to the Regional Schools Commissioner for approval to operate this as a satellite site to enable Bartholomew School to increase its secondary education capacity from 1,300 places to 1,900 places. If this is not approved, then an academy sponsor would be sought to operate it as a standalone new 600-place secondary school.

5.87 This Site should pay £1,163,295 towards the land and building costs for the new secondary education facility, proportionate to its expected pupil generation. The land contribution would be repaid to the host site providing the facility.

5.88 A financial contribution of £80,767 is also required for expansion to special education provision commensurate with the need arising from the development.

## **S106 Matters**

5.89 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.90 The provision of 5% self/custom build dwellings will also be secured via the legal agreement.

5.91 Matters relating to biodiversity net gain and the provision of allotments, parks and recreation, play areas and open space will also be secured via the legal agreement.

5.92 Various on and off site contributions have been sought, as set out in the consultee responses. The applicant has confirmed they are willing to enter any required Section 106 agreement with subsequent head of terms to be agreed. Those contributions are set out below;

### *OCC Education*

5.93 Early Education contribution- £188,780

5.94 Primary Education contribution - £1,500,180

5.95 Secondary Education contribution- £1,163,295

5.96 Secondary Land contribution - £116,655

5.97 Special Education contribution - £80,767

5.98 Total: £3,049,677

### *OCC Highways*

5.99 Section 278 agreement to secure new site access junction on to A4095

5.100 S106 agreement to secure:

- Strategic highway infrastructure along the A44 corridor - £434,829
- Support and improvement of bus services 233 and 411 at Long Hanborough - £169,950
- Provision of real time information displays at bus stops adjacent to the site - £18,712
- Monitoring of the Travel Plan over a five year period - £1,558
- Improvements to the public rights of way network in the vicinity of the development in the impact area up to 2km from the site - £25,000.

### *Waste Management*

5.101 A contribution of £14,094 towards the expansion and efficiency of Household Waste Recycling Centres.

### *Public Art*

5.102 An allocation of £15,750 towards public art to enhance onsite public spaces and infrastructure by introducing unique features to aid orientation and create engaging places for people/residents to meet and interact, socialise and keep healthy.

#### *Leisure Facilities*

5.103 Sport Hall provision of £65,165 toward the cost of a replacement or improvement to Sports Halls in the catchment area.

5.104 Swimming pool provision of £71,935 towards the cost of a replacement or improvement to pools in the catchment area.

5.105 Outdoor pitch provision £268,500 towards improvements to pitch provision in the catchment area.

5.106 Figures are index-linked to second quarter 2022 using the BCIS All in Tender Price Index published by RICS.

5.107 A contribution towards the Council's Monitoring Cost is also to be agreed.

#### **Other Matters**

5.108 Your officers have taken into consideration the projected delivery of the development in the wider planning balance.

5.109 Whilst it is an outline rather than a full application, given the scale of development and the track record of the applicant in terms of delivery, it is reasonable to assume that if permitted, a good proportion of the 150 dwellings would be completed within the next 5 years.

5.110 The applicant has confirmed that the intention is for construction of the development to start in Spring 2024 and be completed early in 2028. This assumes that outline planning permission is granted this year. In order to provide the members with further reassurance over the early delivery of housing on the site, the applicant is also willing to accept conditions, which impose shorter time periods for the submission of reserved matters and implementation of the development than those set out in the Planning Practice Guidance.

#### **Conclusion**

5.111 The site is located immediately adjacent to the village of Long Hanborough, which provides a range of amenities and is considered a suitable location for some new development. This is recognised in policy OS2 of the Local Plan, and two specific site allocations are made.

5.112 In light of the above assessment, your officers consider that with suitable conditions and details at reserved matters stage, a suitable scheme could assimilate in to the landscape in this location without being highly prominent in wider public views or harmful to the AONB.

5.113 The new point of access to the highway, provision of pedestrian and cycle linkages, ability to access public transport, and predicted vehicle movements are, on balance, acceptable and no objection on these matters is raised by OCC Highways. However, a S278 agreement will be required to secure the highways works and improvements that are necessary to facilitate the scheme. In

addition, S106 financial contributions are requested to off-set or mitigate the highways impacts of the development and improve public transport. Subject to compliance with such agreements the proposal, insofar as those elements listed, would comply with adopted local and national policy.

- 5.114 There would be no unacceptable impact on the residential amenity of neighbouring properties as regards privacy and loss of light, based on the details of the amended illustrative layout plan as submitted, and the indicative layout for the site as a whole. However, this matter would need further consideration as part of any future reserved matters application.
- 5.115 With regard to the impacts on heritage assets, it is adjudged there would be a low to medium level less than substantial harm to the Millwood End Conservation Area and setting of the nearby listed building. This harm, under paragraph 202 of the NPPF, would need to be outweighed by public benefits. In this regard, the provision of 50% affordable housing, in addition to the biodiversity net gain and enhancements, and all of the financial contributions listed above, is considered significant in terms of weighing against the planning balance. As is the contribution that the 150 dwellings would make towards the Council's housing land supply.
- 5.116 Impacts of the development regarding social infrastructure can be addressed through a legal agreement, and there are no technical objections from consultee's on these grounds.
- 5.117 Subject to the Council's Ecologist's final response, it is anticipated that there would be no direct impact on protected species and appropriate mitigation and enhancements for wildlife can be secured by condition. The proposed biodiversity net gain would also be secured via the legal agreement. The overall ecological value of the site would be enhanced compared to the current arable cultivation.
- 5.118 The development would undoubtedly represent a major change in character of the site from agricultural to housing. Its visual effects cannot be entirely mitigated, but the harm would be for the most part localised and ameliorated by the position of the development against an existing urban edge of the late 1960s housing development. The retention of key landscape features (hedgerow and tree species), and reinforcement with additional planting, the introduction play spaces and managed 'green corridors' will, over time mature into scheme which will provide wider biodiversity enhancements and habitats. Overall the plans for landscaping are considered acceptable.
- 5.119 The consideration of material factors in this case results in a very finely balanced recommendation. The delivery of up to 150 dwellings, including 50% affordable housing provision, to contribute to wider housing needs, the net gain in Biodiversity, and financial contributions to support the school expansion, public art, community sports provision and public transport improvements would represent significant planning benefits. On the other hand, there remains a significant concern regarding the overall sustainability of this proposal and the population growth that Long Hanborough has been subject to over the last five years. This 'macro' issue your officer's note is of concern. However when the individual 'development management' issues are addressed in turn, none result in any significant harm which would, on their own warrant, refusal of the application, for the reasons set out earlier in the report and in the absence of an adopted plan and with paragraph 11(d) of the NPPF engaged, the macro concern is not itself so harmful to justify refusal at this point in time.
- 5.120 Assessing the scheme in the round, on balance, the benefits of the proposal are considered to outweigh the harms and therefore with reference to paragraphs 11(d) and 202 of the NPPF the proposal in this case is considered, on balance, to represent an acceptable form of development. The application is accordingly recommended for provisional approval subject to the Council's Ecologist

confirming that the additional information regarding biodiversity net gain is acceptable, detailed conditions suggested and the necessary legal agreements.

## 6 CONDITIONS

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the layout, scale, appearance, and landscaping, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. 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.

4. A Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any work on site. The CEMP shall: identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and light spill/glare; provide details of the hours of operation; and, detail waste management arrangements. The plan shall cover all aspects of the works, including, site preparation, groundwork and construction phases of the development. It shall also include measures to manage heavy/large goods vehicle access to the site and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

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

5. Construction shall not begin until/prior to the approval; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)

- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details; and
- Consent for any connections into third party drainage systems.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

6. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
  - (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

7. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

9. There shall be no occupation beyond that of 49 dwellings until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

**REASON:** The development may lead to low/no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low/no water pressure issues.

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

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

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

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

## INFORMATIVES :-

1. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond.

Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Prior to commencement of development, a separate consent must be obtained from the County's Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

2. 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).

3. 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/>

4. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water.

Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

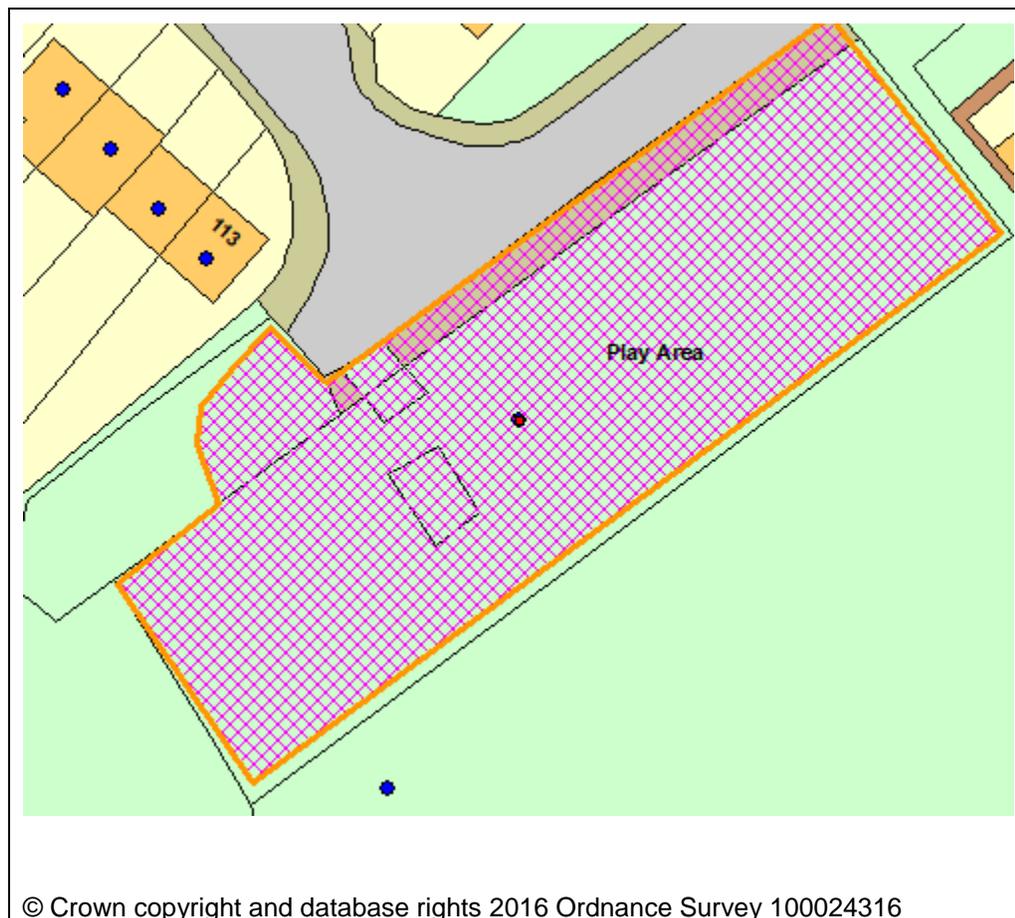
**Contact Officer:** Stephanie Eldridge

**Telephone Number:**

**Date:** 2nd November 2022

Application Number	22/02429/FUL
Site Address	Play Area Walterbush Road Chipping Norton Oxfordshire
Date	2nd November 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	430925 E 226061 N
Committee Date	14th November 2022

### Location Map



### Application Details:

Construction of eight custom build semi-detached dwellings, along with formation of a new access, landscaping and associated works.

## **Applicant Details:**

Mr Craig Strachan  
Green Axis Ltd  
14 High Street  
Chipping Norton  
Oxon  
OX7 5AD

## **I CONSULTATIONS**

OCC Highways

The area of grass verge fronting the site or the area required for vehicular access to the west of the Walterbush Rd turning area is not public highway ( according to records ).

Given the location the proposed parking area is adequate to serve the development, overlooked by the adjacent dwelling and considered safe and secure for use.

The application provides adequate safe and secure cycle parking.

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

Recommendation:

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

- G28 parking as plan
- Prior to first occupation the provision and retention thereafter the pedestrian access to the dwellings as submitted

WODC Drainage Engineers

No objection subject to condition.

WODC Env Health - Uplands

I have no objection in principle. However due to the proximity and potential impact on neighbouring properties and adjacent play area, I would request the following:

A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Including demolition, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light spill/glare, hours of operation 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.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, and adults and children using the adjacent sports ground and nursery facilities.

WODC 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.

Review of the historical maps we hold show a small quarry approximately 125m to the north west of the proposed development site. The quarry is no longer shown on the 1923 map.

Given the proposed residential use of the site please consider adding the following condition as a precaution.

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 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.

It is also noted that the proposed development site is in an area where full radon protection measures are required.

Review of the historical maps we hold show a small quarry approximately 125m to the north west of the proposed development site. The quarry is no longer shown on the 1923 map.

Given the proposed residential use of the site please consider adding the following condition as a precaution.

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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.

It is also noted that the proposed development site is in an area where full radon protection measures are required.

District Ecologist	No objection subject to conditions.
Thames Water	No comment.
Environment Agency	No Comment Received.
OCC Rights Of Way Field Officer	No objection.
Parish Council	Chipping Norton Town Council strongly supports this planning application for 8 dwellings in Walterbush Road. Members would like to mention that they are very supportive of affordable, zero-carbon houses being developed to serve the needs of Chipping Norton Residents.

## **2 APPLICANT'S CASE**

- 2.1 The application has been furnished with a design and access statement to accompany the application, the main points of which are summarised below. The full document is available to view on the Council's website.
- 2.2 *Tecbüro AT Ltd are appointed by Green Axis Ltd to develop architectural design proposals for 8 homes and associated works on a parcel of land off Walterbush Road located on the southern boundary of the town of Chipping Norton. Key principles of the design are that the homes should be zero carbon, affordable, and customisable allowing purchasers to select from a palette of layouts and materials.*
- 2.3 *Location: The site measures approximately 0.19ha in area and fronts Walterbush Road which provides access to established housing on the southern edge of Chipping Norton. Abutting the north-eastern boundary of the site is a recent development of over 200 homes. To the south-east is a sports field and to the south-west open farmland.*
- 2.4 *Local Character: There is no definitive architectural style to the properties in the local vicinity with much of the housing stock being from the mid to late twentieth century built in the main of brick and tile with some*

use of render. The recent development to the NE is formed of typical developer house type designs, the majority formed with buff and red brick under tiled roofs.

2.5 The development of the design has been framed by several key requirements,

- The homes should be sustainable and aim to meet the requirements of the WODC Net Zero Carbon Toolkit
- The homes should be affordable (discount market sale) at 80% of the open market value
- The homes should meet the NaCSBA definition for custom build thereby offering the purchaser meaningful scope to personalise their home.

2.6 *Developed Scheme:* Informed by the West Oxfordshire Design Guide, the proposal that has emerged from the developments process is a linear development of 8 semi-detached homes fronting Walterbush Road. The building line formed by the new homes is set some 5.5m from the road and maintains the existing grass verge. The homes are orientated to be within 30 degrees of due south to meet the requirements of the WODC Net Zero Carbon Toolkit and so maximise the opportunity for PV energy generation etc. Each home has a private rear garden providing good levels of amenity space. A shared parking area is proposed that will include car charging and two spaces reserved for a community car club. A community space located on the SW boundary will act as a "buffer" between the new development and farmland. The definition of the space will be established through community involvement.

2.7 *Scale:* The bulk of existing housing surrounding the site is of terraced or semi-detached form, the new development is therefore an appropriate addition to the street scene. Careful attention has been paid to the positioning and levels of the new homes so as to prevent overbearing towards the most recent development to the NE boundary. To this end the ground will be graded to allow the homes to sit below the current levels.

2.8 *Appearance:* A contemporary aesthetic is proposed utilising materials that reflect the setting of the development and contribute towards net zero carbon and custom build aspirations. Early engagement with the appointed Passivhaus consultant in line with the Net Zero Carbon Toolkit has led to the adoption of a simple efficient form orientated to benefit from winter solar gain.

2.9 *Custom Build:* Each home will be fully customisable by the purchaser, including floor plans, layouts, external materials, and internal finishes; all from a range of predetermined, pre-priced options that have already been modelled to ensure minimal impact on the energy performance of the home. This provides homes that respond to self and custom build legislation and supports NPPF objective s, and which will be marketed to the WODC self and custom build register first.

2.10 *Affordable Housing:* All 8 units will be sold as Discount Market Sale at 80% of the open market value and held in perpetuity, and there is a mixture of 2 and 3 bed properties aligning with the Local Plan.

### **3 THIRD PARTY REPRESENTATIONS**

3.1 No third party comments have been received in relation to this application.

### **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  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
H5NEW Custom and self build housing  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH1 Cotswolds AONB  
EH3 Biodiversity and Geodiversity  
EH5 Sport, recreation and childrens play  
EH7 Flood risk  
CN2 Chipping Norton sub-area Strategy  
MP8 Natural environment  
MP11 Urban fringe development  
TM3 Chipping Norton Neighbourhood Plan  
TM6 Chipping Norton Neighbourhood Plan  
TM7 Chipping Norton Neighbourhood Plan  
TM8 Chipping Norton Neighbourhood Plan  
BD3 Affordable housing  
BD6 Provision of self build plots  
NPPF 2021  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **5.1 Introduction**

- 5.1.1 This application seeks consent for the construction of eight custom build semi-detached dwellings, along with formation of a new access, landscaping and associated works at Play Area, Walterbush Road, Chipping Norton. The application site lies on the southern edge of the town and is within the Cotswolds Area of Outstanding Natural Beauty (AONB) and Chipping Norton Neighbourhood Plan area. There is no relevant planning history on the site.
- 5.1.2 This application is brought before Members in accordance with the scheme of delegation as the Council has an interest in the land.

### **5.2 Relevant Planning Considerations**

- 5.2.1 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 (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised National Planning Policy Framework (NPPF) reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in

accordance with the development plan, which in this case is comprised of the West Oxfordshire Local Plan 2031 (WOLP) and Chipping Norton Neighbourhood Plan 2031 (CNNP).

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

- The Principle of Development;
- Loss of Children's Play Area;
- Siting, Scale, Design and Form;
- Visual Amenity Impact;
- Impact on the AONB;
- Residential Amenity;
- Highways and Public Right of Way (PRoW);
- Ecology;
- Drainage; and
- Planning Balance

### 5.3 Principle of Development

5.3.1 WOLP policy OS2 defines Chipping Norton as a main service centre in the settlement hierarchy (table 4b). Policy OS2 states that:

*"A significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton" and "proposals for residential development will be considered in accordance with Policy H2 of this Local Plan."*

5.3.2 WOLP policy CN2 also describes how Chipping Norton will be the focus of new housing in that sub-area. Policy OS2 goes on to outline that all development should accord with the general principles set out. Those that are considered relevant to this application are that development should:

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

5.3.3 Following recent appeal decision (PINs ref: 3293656), the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. NPPF footnote 8 directs that where the LPA cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged and there is a presumption in favour of sustainable development unless:

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

5.3.4 The 'tilted balance' as directed by paragraph 11(d) of the NPPF is therefore engaged. This does not undermine the pre-eminence of the local development plan in decision-making and assessment against relevant policies in the WOLP may therefore be weighted in the planning balance. However, the provisions of WOLP policy H2 are considered out of date and may only be afforded limited weight.

5.3.5 WOLP policy H2 sets out the District's housing need over the plan period and dictates that:

*"New dwellings will be permitted at the main service centres... in the following circumstances:*

- *On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;*
- *On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;*
- *On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.*
- *On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2."*

5.3.6 The application site has not been allocated for housing development within the WOLP or CNNP. Further, Annex 2 of the NPPF outlines that *"land in built-up areas such as residential gardens, parks, recreation grounds"* are not considered to constitute 'previously developed land'. The application site comprises a children's play area and as such, officers consider that the land is not previously developed and should therefore be regarded as undeveloped for the purposes of WOLP policy H2.

5.3.7 The undeveloped land is bounded on two sides by existing residential development, with open countryside to the south and west and a disused former football pitch to the south east. Officers therefore consider that for the purposes of H2, the land adjoins the built up area rather than being within it. H2 therefore outlines that new dwellings will be permitted 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"*.

5.3.8 With regard to the primary test of H2, that the proposal is necessary to meet identified housing needs, the scheme would provide eight custom build housing units. Following appeal decision (PINs ref: 3274197), the LPA accepts that it is unable to demonstrate that it has met its statutory duty with regard to provision of custom and self-build plots. The Self-build and Custom Housebuilding (SBCH)

Act 2015 introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward for SBCH projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning (HP) Act 2016 provided a duty that Councils must give 'suitable' planning permissions to meet the demand for SBCH. Planning Practice Guidance (PPG) states registers are likely to be material considerations in decisions involving proposals for SBCH. The legislation also does not define 'suitable' planning permissions but NPPF defines SBCH as:

*"Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act."*

5.3.9 The application will be subject to a unilateral undertaking which seeks *inter alia* to ensure that the first occupiers of the proposed dwellings will have a meaningful input into the design through customisation options such as internal layout and external material choices. Officers are therefore satisfied that the proposal would provide eight units of custom build housing.

5.3.10 The CNNP, which forms part of the statutory development plan, also provides explicit support for increased supply of SBCH plots within the neighbourhood plan area, further demonstrating identified local need. Policy BD6 provides explicit support for windfall SBCH sites and states that:

*"In addition to the proportional allocation of larger developments, the provision of new sites specifically for self-build is strongly supported."*

5.3.11 Given the established shortfall in provision of SBCH plots and the supportive policy context provided by the CNNP, officers consider that it has been demonstrated that the provision of eight custom build units in this location is necessary to meet identified housing needs for the purposes of H2.

5.3.12 With regard to the second test of H2, that the location of the proposed dwelling would be in accordance with the distribution of housing set out in policy H1, given the development is located adjacent to a main service centre and the Chipping Norton Sub-Area has an identified housing need of 2,047 homes over the plan period, the provision of eight additional dwellings is considered to accord with policy H1.

5.3.13 Finally, H2 outlines that proposals should accord with the development plan as a whole, with particular regard to the general principles of OS2. WOLP policy H5 also relates to SBCH and states that:

*"Proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan including Policies OS2, H2 and E3."*

5.3.14 WOLP Policy E3 is not relevant in this case and therefore, the scheme should demonstrate compliance with OS2 and H2 in order to accord with policy H5. The application is therefore considered acceptable in principle subject to the application demonstrating compliance with the development plan when read as a whole. This will be fully considered in the following sections of the report.

## **5.4 Loss of Children's Play Area**

5.4.1 The proposed development would result in the loss of a children's play area. WOLP policy EH5 outlines that:

*"New development should not result in the loss of open space, sports and recreational buildings and land unless up to date assessment shows the asset is surplus to requirements or the need for and benefits of the alternative land use clearly outweigh the loss and equivalent replacement provision is made."*

5.4.2 In this regard, the proposal would result in significant benefits such as the provision of eight dwellings to contribute towards the District's wider housing supply shortfall as well as the provision of SBCH. Each unit would also meet the NPPF's definition of affordable housing, which would positively contribute to mix of housing in the locality. Further, the provision of a replacement community facility would be provided through the inclusion of an amenity area to be transferred to a local community group for public use as secured via legal agreement. As such, the application is considered to accord with WOLP policy EH5.

## **5.5 Siting, Scale, Design and Form**

5.5.1 The proposed would comprise four pairs of semi-detached dwellings set forward in roughly rectangular plots of 19.5 metres (m) in depth and 6m-6.6m in width. The buildings would be sited in a linear manner fronting Walterbush Road, with a slight offset in order to achieve maximum solar gain. The siting of the dwellings would be focussed in the eastern section of the site, with car parking spaces and a community space at the western end of the site. The proposed siting of the buildings and associated development is similar to that of adjoin dwellings to the north and east and is therefore considered to form a logical compliment to the existing built form in this location.

5.5.2 The dwellings would be two-storey with ridge heights of approximately 8.5m and eaves heights of 5m. Four dwellings would be set over an 80m<sup>2</sup> footprint with the remaining four set over 90m<sup>2</sup>. The proposed dwellings would therefore be modest in terms of scale and comparable to nearby residential properties.

5.5.3 In terms of design and form, both house types would take an unremarkable dual pitched form with a simple and contemporary design set over two bays. The character of the buildings would largely be dependent upon the use of materials, with prospective owners given a choice of light coloured renders, buff or blue brick slip, vertical timber cladding, aluminium-clad timber joinery and grey metal standing seam roofs. The visual impact of the proposed dwelling and associated works will be fully considered in the following section of this report.

## **5.6 Visual Amenity Impact**

5.6.1 WOLP policy OS4 requires development proposals to demonstrate high quality design and states that:

*"New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings"*

5.6.2 Supporting text at paragraphs 4.36 and 4.37 explain how the West Oxfordshire Design Guide (WODG) (an adopted Supplementary Planning Document) 'describes the qualities and characteristics that make West Oxfordshire special, and ways in which good design can protect and enrich the

character of the District' (4.36). WOLP policy OS4 expects "all development to have regard to the guide" (4.37).

5.6.3 With regard to new development and context, Section 11 of the WODG states:

*"Where the principle of development is deemed acceptable in planning terms, fundamental to the success of any subsequent proposal will be a comprehensive analysis and understanding of the site and context... particular care should be taken to ensure that local character is respected or strengthened".*

Further:

*"Where no positive or meaningful precedents exist in terms of local settlement character or design upon which to draw, it is important that new development is nonetheless made as distinctive as possible".*

5.6.4 In order to assess the potential impact of the proposal upon the visual amenity of the area, it is first necessary to identify the character of the locality at present. In terms of the site itself, the area appears as an under-utilised grassed parcel of land, which rises from Walterbush Road towards the rear of the site. It is not considered to form a positive contribution to the existing character of the area, which is defined by nondescript mid-twentieth century estate development to the north and west and more recent terraced dwellings to the east. The topography of the area ensures that intermittent views to the open countryside to the north and west are also possible, which officers consider contributes positively to its existing character. The locality therefore demonstrates a distinctly residential character, which is enhanced through its visual relationship to the surrounding landscape.

5.6.5 The proposed siting of the dwellings and rising topography toward the south ensure that the proposed dwellings would not obscure existing views out into the adjacent countryside. As a result, the existing character of the area would be retained in this regard. In terms of the relationship between the proposed dwellings and existing built form, the simple forms, siting and comparable height and massing of the buildings would ensure that the buildings appear in keeping with their existing residential context.

5.6.6 Officers consider that given the existing nondescript character of adjacent dwellings, the use of modern materials and methods of construction, seeking to minimise carbon emissions, would appear appropriate in this context. The WODG advises against the "slavish repetition of surrounding housing layouts or house types" and is supportive toward enrichment of existing character. Further, the orientation of the dwellings has been informed by the maximisation of solar gain, which is specifically supported in Section 12 of the WODG and WOLP policy OS3. Officers therefore consider that the design approach taken is acceptable in this context and would positively contribute to local distinctiveness in this area. The application is therefore considered to accord with WOLP policies OS2, OS3, OS4 with regard to visual amenity impact.

## **5.7 Impact on the AONB**

5.7.1 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

WOLP policy EH1 states:

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

Paragraph 176 of the NPPF states:

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

This duty is also reflected in CNNP policy MP8.

5.7.2 With regard to the impact of the proposed scheme upon the AONB, the proposed dwellings would not be prominent in wider views within the landscape, including long views into the town. The topography of the land rises to the south meaning that views from this direction are restricted. Further, when seen from the south west and north, the proposed dwellings would be viewed in the context of surrounding residential development and result in no material impact upon landscape and scenic beauty in this part of the AONB. The application is therefore considered to accord with WOLP policy EH1, CNNP policy MP8 as well as national legislation and guidance.

## **5.8 Residential Amenity**

5.8.1 WOLP policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in policy OS4, the WODG and the NPPF (para. 185).

5.8.2 In terms of overlooking, the proposed dwellings would front Walterbush Road with open land to the rear. Due to their siting, orientation and separation distances to neighbouring properties, the proposed dwellings would not result in increased overlooking to third parties. Further, given the linear siting of the units, there would not be an unacceptable level of overlooking between each of the proposed units. The application is therefore acceptable in this regard.

5.8.3 With regard to overbearing impact, the proposed units would be sited some 18m-24m from neighbouring dwellings on the north side of Walterbush Road (numbers 100, 102 and 113). Further, numbers 102 and 113 are set at right angles to the proposed dwellings meaning that only blank elevations could be impacted. In terms of the impact upon number 100, officers consider that the front to front distance of 19m is typical of residential developments and is therefore acceptable. For the same reasons, the proposed dwellings would not unacceptably block light from reaching numbers 100, 102 and 113.

5.8.4 Plot one of the proposed development would abut 87 Evans Way. Due to the shallowness of the plot, plot one would be sited approximately 9.5m forward of the principle elevation of number 87 and 5m to the west. The principle elevation of number 87 contains one window at ground floor level serving a non-habitable room (kitchen) and two at first floor level, which serve a single bedroom. As such, any impact at ground floor level would not affect habitable rooms and at first floor level, the existing bedroom is served by two windows on either side of the elevation. In addition, the elevation in question faces northwest meaning that it is likely to receive very little direct sunlight in any case. Therefore, any loss of light and overbearing impact is likely to be minimal and does not warrant

refusal of the application. The proposal is therefore considered to accord with WOLP policies OS2, OS4 and the WODG with regard to neighbourly amenity impact.

## **5.9 Highways and Public Right of Way (PRoW)**

5.9.1 WOLP policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.

5.9.2 The proposed works would impact a PRoW that runs through the site during the construction period. It is understood that a temporary route will be provided for pedestrians and the PRoW will be reinstated upon completion.

5.9.3 With regard to vehicular and pedestrian access, a footpath is proposed along the frontage of the site and given its location within a main service centre, pedestrian access to a range of services will be easily available to future occupiers. Cycle storage facilities will also be provided. In terms of vehicles, a total of 12 parking spaces will be provided for residents and visitors, with a further two made available for a community car club/electric vehicle charging. The proposed access will be taken from Walterbush Road. Consultation has been carried out with the Local Highways Authority (LHA) and OCC PRoW officer who have raised no objection to the scheme subject to the imposition of planning conditions. The application is therefore accords with WOLP policies OS2, T1, T3 and T4 and is acceptable in this regard.

## **5.10 Ecology**

5.10.1 WOLP policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The application has been furnished with a Preliminary Ecological Appraisal which confirms that the site is of low intrinsic value regarding ecology. The application has been scrutinised by the LPA's ecologist who has recommended that planning conditions are imposed to ensure that precautionary working measures are adopted and ecological enhancement features provided in order to deliver net gains in biodiversity, in accordance with policy EH3 and guidance contained in the NPPF (paras. 174, 179 and 180). The application is therefore acceptable in ecology terms.

## **5.11 Drainage**

5.11.1 WOLP policies OS2 and EH7 require development not be at risk of flooding or likely to increase the risk of flooding elsewhere. The application site lies within Flood Risk Zone 1 and is therefore at low risk of flooding however, to ensure that surface water is managed effectively and to reduce risk to third parties, the LPA's drainage engineers have requested that a surface water drainage scheme is submitted as a condition of a planning consent. The application is therefore acceptable in this regard.

## **5.12 Planning Balance**

5.12.1 This assessment has found that the proposed development accords with the local development plan however, as the LPA's housing locational policy is considered out of date due to the failure to demonstrate a deliverable five year housing land supply, the tilted balance is engaged as directed by NPPF paragraph 11(d). This assessment has found that the proposal would result in no harm to areas or assets of particular importance (in this case the AONB) and therefore, para 11(d)(ii) is engaged meaning that permission should be granted unless:

*"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

- 5.12.2 Notwithstanding this assessment has found the proposal to accord with the local development plan, the NPPF is an important material consideration for the decision maker and therefore, the balancing exercise as dictated above must be carried out given the LPA's housing land supply position. For the purpose of this exercise, an ascending scale of weight is adopted from limited, to moderate, significant and finally, substantial.
- 5.12.3 In terms of the benefits, the scheme would provide eight units of affordable housing, which would improve the supply of dwellings in the District as well as diversify the housing mix. The provision of eight units would make a small contribution to overall supply and provide a boost to the local economy through its construction and local spend of residents. New residents may also improve social cohesion through the expansion of the community. Such economic and social benefits would weigh in favour of the proposal. Given the minor scale of the scheme, the provision of eight units alone should be awarded limited weight. However, the scheme would also provide 100% affordable housing, which is far above the requirements of WOLP policy H3, which requires that schemes of this size in the AONB make a financial contribution towards the provision of affordable housing off-site. Therefore, the provision of eight affordable units should be awarded significant weight in the planning balance.
- 5.12.4 The scheme would also contribute to the provision of SBCH in the District. Officers accept the LPA is unable to demonstrate that it is meeting its statutory duty with regard to plot provision and therefore, although the contribution to SBCH supply would be relatively small, the shortfall, statutory duty, and the economic and social benefits associated with increased SBCH should attract substantial weight in the planning balance.
- 5.12.5 Further public benefits would include the provision of a community open space and developer contributions towards its provision and the setting up of a community car club and electric vehicle charging points. Officers consider that these benefits should attract moderate weight.
- 5.12.6 Weighing against the proposal would be the loss of a children's play area however, given the public benefits arising from the scheme, including provision of community facilities, the loss of this space has been found to accord with WOLP policy EH5.
- 5.12.7 The public benefits arising from the scheme would therefore outweigh the harms and therefore the proposal amounts to sustainable development.

### **5.13 Recommendation**

- 5.13.1 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 policies OS1, OS2, OS3, OS4, H1, H2, H3, H4, H5, T1, T3, T4, EH1, EH3, EH5, EH7 and CN2, Chipping Norton Neighbourhood Plan 2031 policies MP8, MPI 1, TM3, TM6, TM7, TM8, BD3 and BD6, the NPPF 2021 and the West Oxfordshire Design Guide. The application is recommended to Members for conditional approval.

## 6 CONDITIONS

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

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

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

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

3. The development shall be constructed in accordance with the options set out in the materials specification document ref: 21013-PL-D02, as submitted with the application.

REASON: In the interests of visual amenity and for the avoidance of doubt as to what is permitted.

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

REASON: Control is needed in order to prevent overdevelopment of the plots.

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

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

6. Prior to first occupation of the development hereby approved, the pedestrian accesses and footpaths serving the dwellings as detailed on plan ref: 21013-PL-101 B shall be installed in full and retained thereafter.

REASON: In order to ensure safe and adequate pedestrian access to serve the development.

7. Prior to first occupation of the development hereby approved, all boundary treatments shall be installed in full according to the locations and specifications as detailed on plan ref: 21013-PL-101 B and retained thereafter.

REASON: In the interests of neighbourly and visual amenity.

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

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

9. The development shall be completed in accordance with the measures outlined within the West Oxfordshire District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA.

REASON: To ensure nesting birds, reptiles, amphibians, hedgehogs and badgers are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of West Oxfordshire Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Within 3 months of the commencement of development, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of integrated swift bricks, house martin cups, bat boxes/tubes and hedgehog friendly fencing shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a drawing/s showing the types of features, their locations within the site, and a timetable for their provision. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Prior first occupation of the development hereby approved, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) to be installed to service the development shall be submitted to and approved in writing by the local planning authority. The EVCP shall then be installed in accordance with the approved details prior to first occupation of the development. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

REASON: To ensure a satisfactory standard of development which meets the needs of current and future generations in accordance with West Oxfordshire Local Plan Policy OS3.

12. 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not

agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

13. That prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light spill/glare, hours of operation 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. The agreed measures shall be implemented for the entire period of construction.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby, and adults and children using the adjacent nursery facilities.

#### INFORMATIVES :-

1. 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)
2. Please note if works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

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**Date:** 2nd November 2022