

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 30th January 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

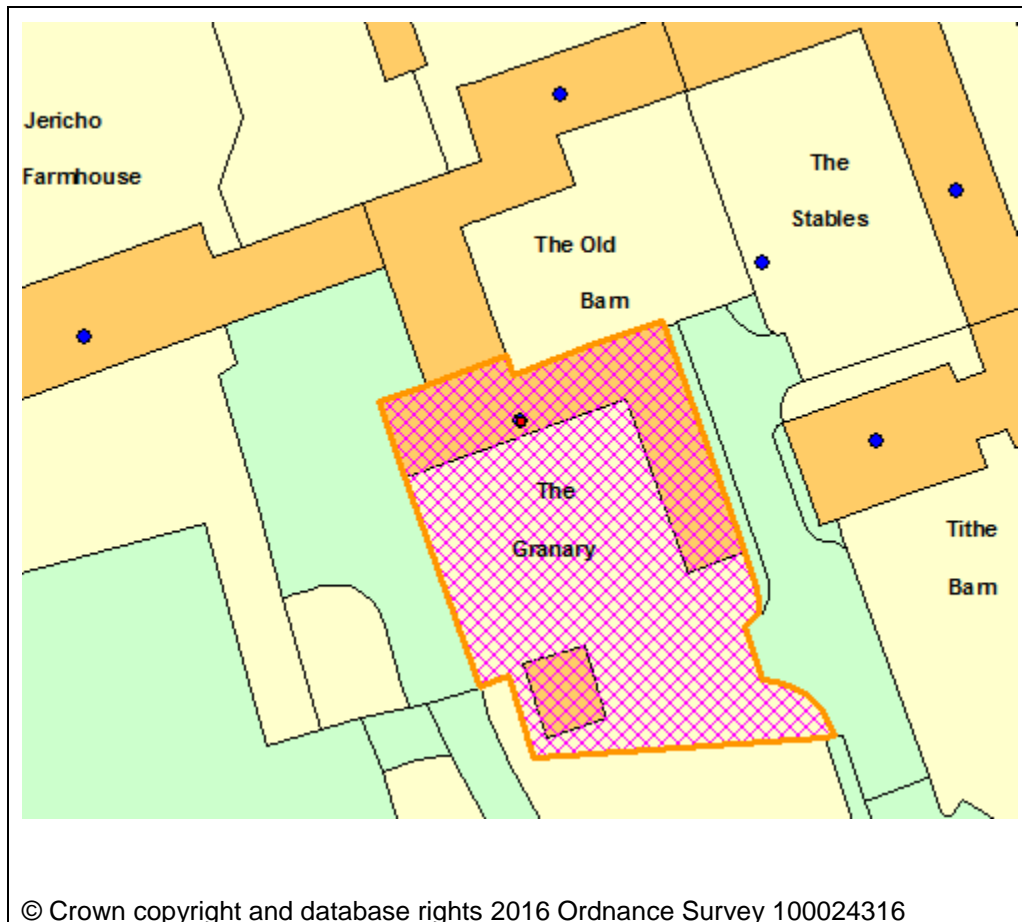
Please note that:

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

Page	Application Number	Address	Officer
11 - 21	22/02137/HHD	The Granary Jericho Farm	Darcey Whitlock
22-50	22/02498/OUT	Land (E) 438738 (N) 212506 Witney Road	Joan Desmond
51-68	22/02853/FUL	46A Market Square Witney	Esther Hill
69-74	22/02854/LBC	46A Market Square Witney	Esther Hill
75-81	22/02956/FUL	Carterton Football Club Swinbrook Road	Elloise Street
82-88	22/03048/FUL	Cuckoo Pen Farm Westwell	David Ditchett
89-103	22/03152/FUL	112 Brize Norton Road Minster Lovell	David Ditchett

Application Number	22/02137/HHD
Site Address	The Granary Jericho Farm Worton Witney Oxfordshire OX29 4SZ
Date	18th January 2023
Officer	Darcey Whitlock
Officer Recommendations	Approve
Parish	Cassington Parish Council
Grid Reference	445883 E 211579 N
Committee Date	30th January 2023

Location Map



Application Details:

Proposed basement extension, replace existing timber framed windows and doors with new double glazed metal framed windows and doors, change one of the south facing ground floor windows to a door set and raise adjoining windows. The west facing old dairy wing elevation, to have timber cladding

finish in-between French doors replaced with a natural Cotswold stone finish (previously approved 21/03845/HHD)

Applicant Details:

Mr And Mrs Ivanovic
The Granary
Jericho Farm
Worton
Witney
Oxfordshire
OX29 4SZ

I CONSULTATIONS

District Ecologist

Biodiversity Officer
Acceptable subject to informatives.

WODC Drainage Engineers

No Objection, subject to a surface water drainage pre-commencement condition.

Parish Council

Cassington Parish Council Objected on the below grounds:

1. Flooding risk;
2. Water dispersal;
3. Highways and access;
4. Impact on ecology;
5. Light pollution;
6. CO2 emissions.

2 REPRESENTATIONS

2.1 15 letters of objection have been received. They cover the following matters:

- Noise and disruption during construction;
- Affect local ecology;
- Risk of damage to existing buildings;
- A structural condition of nearby properties should be secured by condition to ensure damage is documented;
- Damage to shared road during construction;
- Surface water flood risk;
- Groundwater exposure;

- Some flooding history of the site;
- Increase in risk of flooding, particularly ground water flooding;
- Traffic concerns, particularly during construction;
- Doubts accuracy of submitted reports
- Light Pollution; and
- Impact on right of access.

3 APPLICANT'S CASE

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

3.2 This application is a re-submission of the Planning approval ref 21/03845/HHD approved on 27th January 2022, with condition 4 (full surface water drainage plan) subsequently approved on 10th October 2022 under application reference 22/01921/CND.

3.3 A full background can be obtained from these previous applications' held on WODC's files.

3.4 The submitted documents contains alterations from those approved under 21/03845/HHD, summarised below:

- Taking on board comments from the neighbours during the previous application process for application 21/03845/HHD, the proposals are to move the proposed basement further away from the adjoining properties (Old Barn and Tithe Barn) to sit within the footprint of our client's garden. This has the added benefit of simplifying the basement construction and therefore reducing the likely construction time. The proposed extension has been carefully considered so as not to impact the openness of the area or surrounding properties.
- To introduce daylight to the basement development it is proposed to have structural glass walk-on rooflights within the garden, and an open lightwell with glass balustrade at the southern gable end of the Dairy. The basement will be accessed from The Entrance Hallway of the Dairy Wing, and this will require some refurbishment once the basement is formed. The new basement is to accommodate a Utility Room, Music Room / Sitting Area, and a new Bedroom Suite.
- As previously consented, it is proposed to replace the existing timber framed casement windows and doors with new metal framed casement windows and doors. It is proposed to replace one of the windows on the south elevation to a pair of doors to improve connectivity between the kitchen and the garden. It is also now proposed to raise the window head heights either side of this door to match.
- The final change is the West facing elevation of the Dairy Wing which currently has painted timber cladding to the exterior face, we would like to replace this is a Natural Cotswold stone finish to match the adjoining structures.

3.5 The proposals have been developed in response to inadequate size of the existing small car park area to accommodate the number of vehicles attending the site during peak periods.

3.6 We are not aware of any National or Local changes to Planning policy since the original Planning approval, nor change in site specific considerations, and can see no reason why this application should not be supported by officers and approved (subject to any conditions that may be deemed

necessary taking into consideration previous conditions and additional details cleared under 22/01921/CND and included with this application).

4 PLANNING POLICIES

EH7 Flood risk

EH8 Environmental protection

EH2 Landscape character

EH3 Biodiversity and Geodiversity

T2NEW Highway improvement schemes

T4NEW Parking provision

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the proposed basement extension, replace existing timber framed windows and doors with new double glazed metal framed windows and doors, change one of the south facing ground floor windows to a door set and raise adjoining windows. The west facing old dairy wing elevation, to have timber cladding finish in-between French doors replaced with a natural Cotswold stone finish (previously approved 21/03845/HHD) at The Granary, Jericho Farm, Worton.
- 5.2 The application site relates The Granary, a period barn converted to a dwelling, located within the Oxford Green Belt and within flood zone I.
- 5.3 The application was previously heard by Members of the Lowlands Area Planning Sub-Committee on January 4th 2023. Members deferred the application to enable the applicant to provide the details required for Condition 6 in advance of the decision being issued. Following the deferral, the applicant has provided a letter from a hydrogeologist explaining the flood risk in more detail; and a Construction Method and Sequence Report detailing how the construction shall be undertaken and methods for water/material disposal. The drainage officer has been consulted with these details and officers will update Members with the drainage officer comment and any changes to the recommended conditions (if applicable) in the late representations, and verbally at the Committee.

Relevant Planning History

21/03845/HHD - Proposed basement extension, replace existing timber framed windows and doors with new double glazed metal framed windows and doors; change one of the south facing ground floor windows to a door set - Approved.

22/01921/CND - Discharge of condition 4 (full surface water drainage plan) of planning permission
21/03845/HHD - Approved.

5.3 Prior approval was granted for the change of use of the former officers to dwellings under Class J in January 2015.

14/02148/PN56 - Change of use under Class J of offices (Use Class B1(a) to 3 dwellings (Use Class C3) - Prior Approval Not Required

15/00848/FUL - Change of use and alteration of Class B1(a) office accommodation to 3 dwellings - Approved

16/00592/FUL - Change of use, alteration, and extension of Class B1(a) office accommodation to 3 dwellings (Class C3). Erection of double garage (amended plans). - Approved

16/01636/S73 Variation of condition 2 of Planning Permission 16/00592/FUL to allow amendments to the approved plans. - Refused

16/03541/FUL - Conversion of existing building (presently B1a office) and extension to form single dwelling, with associated parking. - Approved

17/00428/S73 - Noncompliance with condition 2 of planning permission 16/00592/FUL to allow new approved drawing PA200 A - Approved

17/00474/S73 - Variation of condition 2 of Planning Permission 16/00592/FUL to alter the link which has been approved between the two existing buildings. - Approved

17/03635/S73 - Noncompliance with condition 2 of planning permission 16/00592/FUL to allow change to approved plans. - Approved

5.4 This application is a resubmission of planning application 21/03845/HHD.

Principle of Development

5.5 The principle of development has already been established as part of the previously approved 21/03845/HHD application.

Design, Siting and Visual Impact

5.6 This application differs from 21/03845/HHD with the additions and alterations set out below:

- Increase of approximately 4.5m in width of basement;
- Decrease of approximately 0.5m in length of basement;
- 1 additional lightwell;
- Lightwell balustrade on west elevation increased by approximately 1.2m; and
- Western elevation of Dairy Wing timber weatherboard cladding to be replaced with Natural Cotswold Stone finish.

- 5.7 In terms of visual amenity, given the nature of the basement area this will not impact on the visual amenity of the house or street scene. The style of the proposed replacement windows and doors, and the timber weatherboard cladding on the western elevation to be replaced with a natural Cotswold stone finish is considered acceptable. As such, the proposed design is considered acceptable by officers, and officers do not consider that the proposed would give rise to any adverse impacts in regards to the visual amenity of the host dwelling or street scene.
- 5.8 Officers are of the opinion that the proposed basement will not impact the openness of the area or surrounding properties. To introduce daylight to the basement it is proposed to have 4 structural glass walk-on light wells fitted into the landscaping of the garden, and an open light well with glass balustrade at the southern gable end of the Dairy. It is understood that the open light well would be modestly sized and will be screened by low level planting.
- 5.9 In the case of the proposed light well, located at the gable end of the Dairy wing to the front of the property, front boundary hedges currently exist and will help to reduce visual impact, therefore the issue of lighting impact on neighbouring properties is considered to be minimal and will not cause a negative impact on neighbouring amenity. Given the siting of the basement, officers do not consider that the development will be overbearing, or result in a loss of light or privacy to the detriment of neighbouring properties. As such, the application is considered to be acceptable in these terms.
- 5.10 Regarding residential amenity, the basement development will not result in a loss of garden space. The garden will be retained as existing. The basement roof is to be set below ground level to allow for landscaping and vegetation to be planted over the top. As the bulk of the development is below ground it will not result in loss of light, overlooking, overbearing, or overshadowing impacts to nearby neighbours or the host dwelling. Therefore it is considered acceptable and will not cause harm to the residential amenity of the property.

Impact on the Oxford Green Belt

- 5.11 In terms of the impact of the development on the Oxford Green Belt, Officers must take into consideration Policy OS2 of the adopted WOLP 2031 which allows for limited extension of existing dwellings within the Green Belt. In this case, by virtue of its underground nature, along with the scale and the design, Officers consider that the proposed does not materially impact on the openness, rural character or visual amenity of the Oxford Green Belt.

Highways

- 5.12 The pedestrian and vehicular access will remain as existing. There is no alteration to parking provision at the property. Therefore it is acceptable on highways grounds.

Flooding and drainage

- 5.13 The Granary is located within Flood Zone 1, which is at the lowest risk of flooding. Concerns have been raised by objectors and the parish council regarding the impact of the proposed development on drainage and the increased danger of flooding. The Drainage Officer has made the below observations from the submitted documents:

- Stephen Buss has stated that the volume of groundwater that would need to be removed from the temporary excavation is relatively small and could be either pumped/piped away or collected

in a 10,000l bower and disposed of by an experienced contractor without increasing flood risk elsewhere.

- He has also stated that construction of the basement will lead to a small rise in groundwater level, but not of a magnitude that would increase flooding (in the future).
- The GEA report states that infiltration on the site is slow, so shallow soakaways are unlikely to be viable and have suggested other SUDS options are considered (some of which may not be viable).

5.14 However, the following information is required to be submitted to ensure that there is no increased danger in flooding:

- A full surface water drainage plan, taking on board the above comment in the GEA report.
- A construction phase groundwater and surface water management plan.

5.15 In light of this, the Drainage Officer has requested a pre-commencement condition should planning permission be granted, as in the absence of a full surface water drainage plan, and construction phase groundwater and surface water management plan, the mitigation of flood risk can be secured by the condition set out below:

- That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the size, position and construction of the drainage scheme and a construction phase groundwater and surface water management plan, to include -
 - I. Confirmation of how the groundwater from the excavation will be disposed of without putting neighbouring properties at risk of flooding.
 - II. The control measures to be implemented to prevent the diversion of groundwater and surface water towards other properties.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

5.16 This proposal is located within Flood Zone 1 and the application is supported by an in-depth site investigation and basement impact assessment report, following concerns raised by neighbours and the Parish. This detailed assessment is not typically required for a development of this nature. However, following the concerns raised, these details were requested by officers and duly supplied by the applicant. These details were reviewed by our specialist drainage officer, who is the relevant technical expert that we rely on for addressing flood risk and drainage matters. As summarised above, the extension of the basement will lead to a small displacement of groundwater which can be adequately displaced on site. Furthermore, the drainage officer has no concerns with the scheme, subject to conditions. In light of the opinion of the specialist officer, that groundwater and surface

water can be adequately dealt with by the engineering solutions required by the pre-commencement condition, and that the site sits in flood zone 1 which is at the lowest risk of flooding, officers are satisfied that the proposed basement will not unacceptably increase flood risk at the site or elsewhere.

Other matters

- 5.17 A third party has commented on the proposed development and raise the issue of noise and disruption during construction. While the development is modest and limited in scale and thus impacts, a condition has been added to the permission stating that prior to work commencing on site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This will add controls during the construction period and will reduce impacts during the build.
- 5.18 Objectors and the Parish council have raised the potential of the proposed development to affect local ecology. The site does not fall within any areas of special designated control in regards to ecology and given the works proposed are mostly below ground it is not considered the development will result in any adverse impact on ecology. While there will be some light spill, this will not be too dissimilar to light levels emitting from a single storey extension with rooflights. Furthermore, the Biodiversity Officer has been consulted and it is felt the comments provided on the previously approved application (21/03845/HHD) are still applicable and relevant and that there is low risk that bats may be present at the development site. The supplied informatives for the applications are sufficient if bats were discovered.
- 5.19 The risk of damage to existing buildings has been raised. This is not a planning matter. Should damage occur to neighbouring properties during or after construction, this would be a civil matter to be dealt with between the relevant parties.
- 5.20 Objectors and the Parish Council have raised concerns with the increase in light pollution due to the addition of 1 light well above the previously consented scheme. The proposed development is within the residential curtilage of The Granary, and is therefore not within open countryside. The extremely modest increase in light wells will have minimal impact, as there will be some light pollution when the room in which they serve is occupied, however, this will not be 24 hours a day. Ultimately, it is not protected landscape, it is a residential area and therefore officers do not consider the increase in light to be significant enough to warrant a refusal.
- 5.21 The Cassington Neighbourhood Plan 2021 has been referenced, it is not adopted as part of the Development Plan therefore the policies do not garner full weight in the assessment. The 'dark skies policy CAS3' and 'zero-carbon building policy CAS8' has been referenced within objections. Officers are mindful of the policies contained within the Cassington Neighbourhood Plan. However, light pollution from the new windows is modest and the scale of this development is considered to be quite minor. Officers consider that the scheme does accord with the relevant policies in the Cassington Neighbourhood Plan.

Conclusion

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

6 CONDITIONS

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

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

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

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

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

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

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

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Hours of operation.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Delivery arrangements.

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

5. Before first occupation of the basement hereby permitted the windows shall be fitted with blinds/curtains to minimise light spillage and shall be retained in that condition thereafter.

REASON: To safeguard light pollution in the surrounding area.

6. That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the size, position and construction of the drainage scheme and a construction phase groundwater and surface water management plan, to include -

- I. Confirmation of how the groundwater from the excavation will be disposed of without putting neighbouring properties at risk of flooding.
- II. The control measures to be implemented to prevent the diversion of groundwater and surface water towards other properties.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

INFORMATIVES :-

- There is a low risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale, and the potential impacts arising from, the proposed development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a bat licence if an offence is likely.

If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or visit http://www.bats.org.uk/pages/natural_england_roost_visits.html for more information.

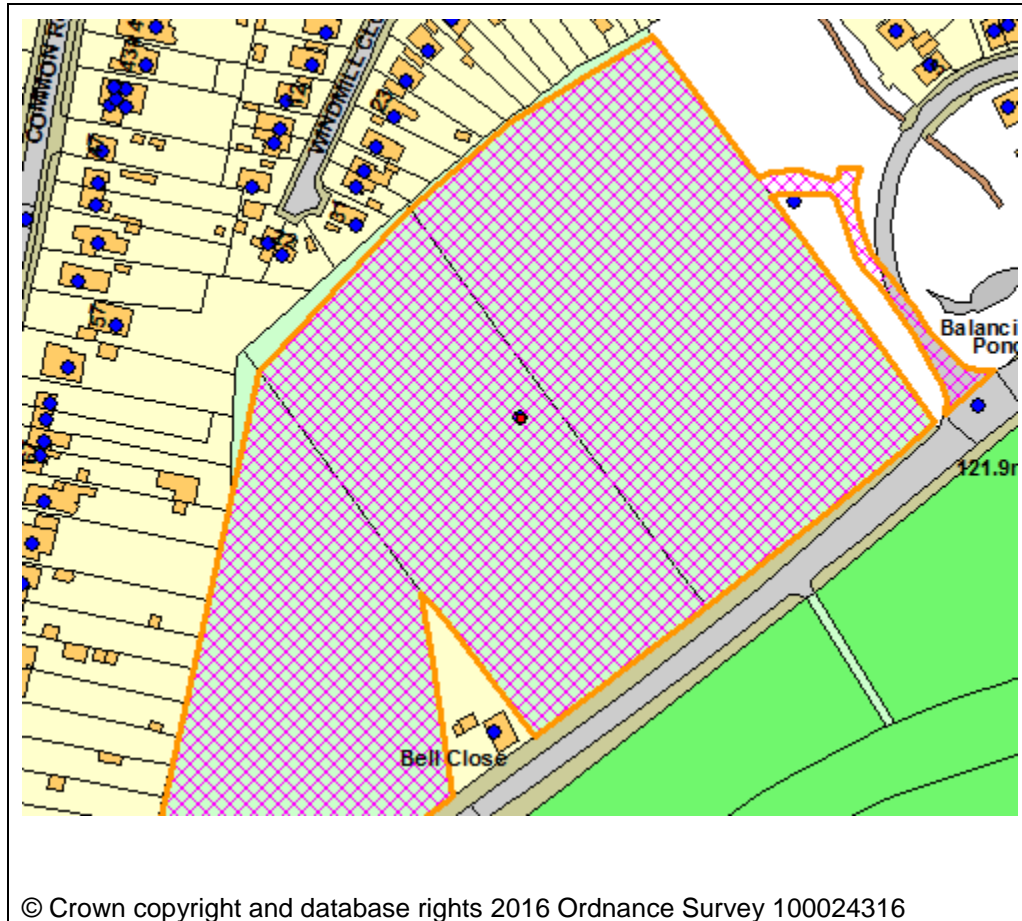
- Consideration should be given to obtaining a survey from a professional ecologist before commencing any works that would impact upon the roof structure of the building (visit <https://cieem.net/ineed/finding-a-consultant/> to search a directory of professional ecological consultants and download a 'householder's guide to engaging an Ecologist' and 'what to expect from a bat survey - a guide for UK homeowners').
- Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February, or after the young have fledged and left the nest and replacement provision made so that there is no net loss of biodiversity.
- 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.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015)"

Contact Officer: Darcey Whitlock
Telephone Number: 01993 861697
Date: 18th January 2023

Application Number	22/02498/OUT
Site Address	Land (E) 438738 (N) 212506 Witney Road North Leigh Oxfordshire
Date	18th January 2023
Officer	Joan Desmond
Officer Recommendations	Provisional Approval
Parish	North Leigh Parish Council
Grid Reference	438738 E 212507 N
Committee Date	30th January 2023

Location Map



Application Details:

Erection of up to 55 dwellings with access off Akeman Road, together with creation of new areas of open space, landscaping and all enabling and ancillary works (Outline planning application all matters reserved except access)

Applicant Details:

Mr Steve Kerry
Rectory House
Thame Road
Haddenham
HP17 8DA

I CONSULTATIONS

OCC Transport Authority

Stage Coach Summary - Full response available against the application

In the context of an already serious deficit in housing delivery we recognise that a responsibility lies on the Council to respond appropriately to proposals which are brought forward to backfill it. This nevertheless requires that suitable locations are identified, and that proposals achieve the objectives sought by policy to the greatest extent possible - indeed the burden of proof that they do so ought in many ways to be considered that much higher than for allocated sites, given that by definition, these "departure" sites have been omitted from a formally produced and examined local plan.

We set out our concerns that the current proposals, thus far, fail to demonstrate this level of care and diligence with regard to sustainable transport opportunities. Should it prove possible to remedy this efficiency we can see that these proposals could be supportable by the Council.

District Ecologist

No Comment Received.

Major Planning Applications Team

LLFA amended information comments:
No objection subject to conditions.

Major Planning Applications Team

Highways

No objection subject to the following.

- S106 Contribution as set out in the table below and justified in this schedule
- An obligation to enter into a S278 and S38 agreement as detailed below.
- Planning Conditions

LLFA

Objection

Key issues:

- provide outfall details of the surface water and permission to discharge surface water.

- Clarify the phasing.
- Provide details of the party that will conduct the maintenance of the development.

Detailed comments:

Provide a agreed point of surface water discharge. Provide ownership details and permission to discharge surface water at the proposed rates.

Should the development consist of more than one phase, provide a phasing plan.

Provide details of the party that will conduct the maintenance of the development.

Education

No objection subject to:

- S106 Contributions towards secondary and special education

Conservation And Design Officer

I note that development would follow the precedent first set by the infill in the area where Park Road turns to join the A4095 - development that is much nearer to the north entrance to Eynsham Hall - noting that inter-visibility with the RPG is negligible elsewhere.

This is an outline scheme, but the indicative looping road with several cul-de-sacs seems workable, whilst the built form is kept back from the main road a distance that is similar to that of the adjacent current scheme. We have nothing definite on the housing, but the proposed 'up to two storey' approach would be fairly consistent with surrounding development - providing that there is a liberal seasoning of single and 1.5 storey structures, particularly around the perimeter. And the indicative neo-cottage forms are at least innocuous.

In my view an important issue here is that this development would complete an extensive run of development along the A4095, around 1.4 km, in fact. With this in mind, there may be a case for pushing the development further to the NW - with implications for housing numbers.

WODC - Arts

No Comment Received.

District Ecologist

Query regarding the submitted biodiversity impact assessment report.

In addition, the BNG assessment does not satisfy trading rules and as a result, the applicant will need to deliver 28.61 habitat units off site.

ERS Air Quality

No Comment Received.

Environment Agency

This planning application is for development we do not wish to be consulted on.

WODC Env Consultation Sites

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

Review of the historical maps and aerial photographs we hold suggest that the site has remained as undeveloped agricultural land over time. However, given the size and sensitive nature of the application please consider adding the following condition to any grant of permission as a precaution.

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

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be

submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

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

Regards

Jackie McLaren
Technical Officer - Contamination

WODC Env Health - Lowlands No Comment Received.

The Gardens Trust

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Eynsham Hall, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and liaised with our colleagues in Oxfordshire Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

WODC Landscape And Forestry Officer No Comment Received.

WODC Housing Enabler Summary (full response available against the application)

Affordable Housing on this development would make an important contribution to local housing need. In addition to the 129 applicants shown above, there are a further 2946 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

Natural England No Comment Received.

Newt Officer No Comment Received.

Oxford Clinical Commissioning
Group NHS

Objection

Insufficient consulting rooms to cope with increased population growth as a direct result of the increase in dwellings.
Require S106 contribution of £47520 (to be adjusted when housing mix is known) to address shortfall

WODC Planning Policy
Manager

Summary (Full response uploaded against the application)

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, the provision of additional public open space and a MUGA and the economic benefits development would bring.

The potential harms include: the limited range of services and facilities within the village; the poor connection of the site to the village services and facilities; the likely reliance on the use of the private car unless measures are delivered to facilitate active travel and sustainable transport improvements; and the potential adverse biodiversity and landscape impacts if existing hedgerows, trees and their buffers are not adequately protected and maintained.

WODC - Sports

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, the provision of additional public open space and a MUGA and the economic benefits development would bring.

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TV Police-Crime Prevention
Design Advisor

Summary (full response uploaded against the application)

I have reviewed the submitted documents and crime statistics for the area. I appreciate this project is at an early stage, however I was somewhat disappointed to see that crime prevention and community safety is not a significant consideration at this point. Whilst I do not wish to object to this application, I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted.

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.

Thames Water

Summary (full response uploaded against the application)

Waste Comments - The application indicates that SURFACE WATER will NOT be discharged to the public network and as

such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

Water Comments - Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

Parish Council

Consultee North Leigh Parish Council North Leigh Parish Council made comments neither objecting to or supporting the Planning Application

- The PC notes that this is an outline planning application with all matters reserved except access
- Village residents have raised a number of concerns, with the Parish Council, regarding the Rectory Rise site:
 - According to the outline plan, the Rectory Rise site and adjacent Marlborough Gardens development will share an access road to the A4095.
 - This junction is hazardous with poor visibility onto the A4095 especially turning out in the Witney direction
 - There is poor lighting on this stretch of the A4095 and this should be improved (OCC)
 - The speed of cars on the A4095 regularly exceeds the 50mph limit and this new development will result in an additional 55+ cars entering and exiting the site via the access road. We require that OCC address this by extending the 40mph limit that commences at the west end of Long Hanborough to the junction of the A4095 and Common Road in order to avoid any increase in vehicle collisions.
 - There is no cycle path or footpath between Park Road and Common Road which makes pedestrian and cycle access to the development dangerous and should be upgraded (OCC funding and possible S106 contributions)
 - The existing water supply network is inadequate to support the new development. Water pressure at Marlborough

Gardens is very poor and there are long delays in repairing leaks. We note that TW has not signed off on the water supply for the proposal, saying that the houses should not be occupied until the water supply has been upgraded. This is a serious concern.

District Ecologist No Comment Received.

Historic England No comment

2 REPRESENTATIONS

2.1 29 representations have been received, objecting to the proposals. Full details can be viewed on the Council's website. A summary is provided as follows:

- More houses leads to the loss of small community feel
- Existing drainage problems and poor water pressure
- Devaluing property
- Inadequate Infrastructure (Education/Health)
- Poor existing road quality
- No additional public footpaths linking new development to existing
- Poor shopping facilities within the village
- No cycle ways provided
- Village hall not big enough
- Not enough play provision
- Increase in traffic and dangerous intersection
- Proposed scheme increases road noise and air pollution for existing surrounding residents
- Increase crime and vandalism with the MUGA sited at the perimeter of development
- Poor locations for MUGA due to lack of parking
- Overdevelopment of the site and generally of the village
- Red Line drawing incorrectly drawn
- Negatively impacts on Biodiversity
- Poor Access to public transport
- Fails to conserve or enhance natural environment or the character of the area
- Should reduce the speed limit to 40mph all the way between Park Road and Common Road; extension of the pedestrian/cycle path between Common Road and Park Road; Respect for the space and privacy of the existing residents in the proposing of new layouts and retention of existing hedges and trees to retain the abundant wildlife that visit the surrounding gardens.
- Proposed development negatively impacts the existing residents and village in a way that cannot justify its positives.

2.2 Stagecoach Bus Company have commented as follows:

In the context of an already serious deficit in housing delivery we recognise that a responsibility lies on the Council to respond appropriately to proposals which are brought forward to backfill it. This nevertheless requires that suitable locations are identified, and that proposals achieve the objectives sought by policy to the greatest extent possible - indeed the burden of proof that they do so ought in many ways to be

considered that much higher than for allocated sites, given that by definition, these "departure" sites have been omitted from a formally produced and examined local plan. We set out our concerns that the current proposals, thus far, fail to demonstrate this level of care and diligence with regard to sustainable transport opportunities. Should it prove possible to remedy this deficiency we can see that these proposals could be supportable by the Council.

3 APPLICANT'S CASE

3.1 The planning statement submitted with the application is concluded as follows:

At the current time, the adopted Local Plan 2031 is now out of date with regard to the provision of housing and significant shortfalls in housing supply have been identified. In such circumstances, NPPF paragraph 11(d) dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

With respect to NPPF paragraph 11(d)(i), the protected areas and assets in the vicinity of the proposed development include the grade II listed Eynsham Hall Registered Park and Garden (RPG), the listed buildings it contains and its associated irreplaceable ancient woodland habitat.

Having regard to the findings of the Heritage Statement (summarised in the historic environment subsection of this statement), it is reported that the proposal will have very little effect on the setting of any listed buildings and will result in a change only to a short length of the Eynsham Hall RPG. No harm is identified to the significance of any asset.

In addition, the ecology reporting (summarised in the ecology subsection) confirms that the proposal will not impact the ancient woodland habitat. Accordingly, it is considered that the NPPF policies that protect areas or assets of particular importance do not provide a clear reason for refusal the development proposed.

Turning to NPPF paragraph 11(d)(ii), this requires an assessment of planning balance in order to determine whether the proposed development is a sustainable form of development. NPPF paragraph 8 states that there are three overarching objectives to sustainable development; an economic objective, a social objective and an environmental objective. The impacts and benefits of the proposal are summarised under these objectives.

An economic objective: The proposed development helps to build a strong, responsive and competitive economy by:

- *Providing 55 homes in a sustainable location, thereby providing the right type of land in the right place and at the right time to support growth.*
- *Accommodating future occupants who will stimulate innovation and productivity in the local economy.*
- *Accommodating future occupants who will support the services and facilities of the local economy (particularly through local spending).*
- *Providing local investment, in addition to construction jobs and longer-term management and maintenance jobs.*

The proposal therefore has significant economic benefits and no significant or demonstrable adverse impacts.

A social objective: The proposed development supports a strong, vibrant and healthy community by:

- Delivering 55 high-quality homes in a sustainable location to boost housing supply where there is an identified housing land supply shortfall - this is a significant benefit.
- Delivering 22 affordable homes in an area with an identified need for affordable housing. Two-thirds of homes will be available for social rent, a quarter available as First Homes and the remainder available as other intermediate housing - this is a significant benefit.
- Being able to deliver at least 25% of market and affordable homes to M4(2) accessible and adaptable standards.
- Being able to deliver at least 5% of market and affordable homes to M4(3) wheelchair adaptable standards.
- Being able to deliver a good, balanced mix of property types and sizes to meet the housing needs of young professionals, families and elderly members of the community.
- Supporting the health and well-being of the local community with public open space and facilities including an extensive green infrastructure network (which integrates with the adjoining development and wider village) and a MUGA - meeting a notable public requirement.

The proposal therefore has substantial social benefits and no significant or demonstrable adverse impacts.

An environmental objective: The submitted heritage reporting acknowledges that the proposal would action a change to the setting of the Eynsham Hall RPG but that this is not harmful in nature. The landscape appraisal finds that the proposal will result in negligible neutral effects to the land form and minor adverse effects on the existing land use and landscape character of the site. There are also very minor arboricultural and ecological impacts associated with the loss of vegetation and pasture, but this would be adequately mitigated. Otherwise, the proposed development protects and enhances the natural, built and historic environment by:

- Locating development at North Leigh - a large village which is identified as a sustainable location for development in the Local Plan.
- Minimising any impact to the historic and natural environment with an indicative landscaped design approach that softens the presence of the development proposed, forms a logical extension to North Leigh and complements its settlement pattern.
- Providing the opportunity to deliver a high-quality built environment which integrates sustainable design and construction principles.
- Promoting sustainable transport by:
 - Being within walking distance of village facilities and public transport services;
 - Being within a reasonable cycle distance of Witney town centre and Hanborough train station (the main hub for rail services to Oxford and London in the District);
 - Introducing EV charging points to accommodate and encourage environmentally sustainable cars; and
 - Contributing towards the improvement of transport infrastructure including the A4095 cycle link and wider District improvements.
- Introducing an extensive green infrastructure network which is estimated to achieve a significant site-wide biodiversity net gain of 10% while providing opportunities for recreation and social interaction.

The proposal therefore has significant environmental benefits and no significant or demonstrable adverse impacts.

Having regard to the above, it is considered that there are no adverse impacts which would significantly and demonstrably outweigh the above-identified benefits. As such, the proposal is considered to be a sustainable form of development and that there are material considerations which justify a decision otherwise than in accordance with the development plan. The proposal therefore complies with NPPF section 2 and is acceptable.

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

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH5 Sport, recreation and childrens play

EH6 Decentralised and renewable or low carbo

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH14 Registered historic parks and gardens

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 The proposal is an outline application with all matters reserved except for means of access for the erection of up to 55 dwellings with access off Akeman Road, together with creation of new areas of open space, landscaping and all enabling and ancillary works.

5.2 The site comprises 3.97ha of agricultural land on the southern edge of North Leigh. It comprises two broadly rectangular fields divided by a hedgerow and a triangular parcel of agricultural land in the western corner. The land gently rises to the north but also undulates along its length. The site is contained to the north and west by existing modern residential development along Common Road, Windmill Road and Windmill Close. To the immediate east, is the Marlborough Gardens development of 50 homes that is in the process of being built out. The site is bounded by the A4095 to the south. A single dwelling named Bell Close Cottage lies on the southern boundary within a triangular plot and which is excluded from the site. Beyond the A4095 lies the Eynsham Hall Registered Park and Garden. The site lies with the Wychwood Project Area.

5.3 An extension of time has been agreed to enable the application to be reported to Committee.

Planning History

5.4 Planning permission was refused for housing development (100 houses) and dismissed on appeal in 1997.

5.5 Outline planning permission for the erection of up to 50 dwellings including highway access arrangements from A4095 Witney Road, open space and associated physical infrastructure (means of

access only) (Ref: 16/04234/OUT) was approved in 2018 on adjoining land with detailed permission approved in 2020 (Ref: 19/02736/RES).

5.6 Members will also be aware of a recent appeal decision for 10 house off Common road (APP/D3125/W/22/3293656) where the Inspector approved the development and concluded as follows:

'Paragraph 9 of the framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, where paragraph 11 d) is engaged, the starting point is that permission should be granted. The overall adverse impact on the character and appearance of the area would be moderate and qualified by the relative small-scale nature of the proposal. The objections identified by the Council would need to surmount a high hurdle in order to prevail in this balance. Indeed, the harm does not significantly and demonstrably outweigh the benefits of nine (net) additional homes, when assessed against the policies in the framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.'

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

- Principle
- Layout, design and scale
- Impact on Landscape
- Impact on Heritage Assets
- Housing mix
- Accessibility/Highway Issues
- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise
- Biodiversity
- S106 Contributions

The principle of the development

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

5.9 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

5.10 North Leigh is identified as a village in the settlement hierarchy, where limited development is considered to be suitable which respects the village character and local distinctiveness and would help to maintain the vitality of these communities (Policy O2).

5.11 The application site is considered to be undeveloped land adjoining the built up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages.....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'.

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

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

5.13 The Parish Council is currently working on its Neighbourhood Plan but it is at an early stage of preparation. The Neighbourhood Area was designated on 10 May 2022.

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

5.15 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- I. the application of policies in 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.

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

5.17 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.

5.18 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 development proposed.

Layout/Design/Scale

5.19 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.20 Parameter plans and a framework plan have been submitted. This indicates the location of the built form set back from the southern boundary behind a 20m green buffer. A Multi Use Games Area is proposed in the north east corner of the site. The south western end of the site is also shown to be kept free from development with planting and an attenuation pond which also forms part of public open space features. The North eastern and south eastern boundaries benefit from existing mature trees and vegetation which is to be retained. The Building Height Parameter Plan restricts development to a two-storey scale.

5.21 In term of the proposed public open space and play provision, the Planning Statement (PS) advises that the proposed development provides the MUGA and up to 2ha of green infrastructure, although this is reduced to approximately 1.5ha once the existing drainage easement and the proposed drainage basin are discounted. Notwithstanding this deduction, the PS concludes that the proposed development delivers a significant level of public open space and green infrastructure well in excess of the identified quantity standards. In addition, the MUGA meets the local need identified by the Parish Council.

5.22 The appearance of the development is a matter reserved for later approval following the granting of any outline planning consent. The submitted Design and Access Statement advises however, that the recent development to the north, off Akeman Road, sets a design precedent for the area and it is therefore envisaged that the design of the proposed dwellings will be broadly consistent with this design approach. A traditional design approach is envisaged using a variety of house designs demonstrating features such as pitched roofs, gabled fronts, bay windows and tiled porches and canopies. It is Officer opinion however, that a higher quality of design is required given the advice in the National Design Guide and need to achieve a high quality of design that respects local identity and character. Nevertheless, such detailed design matters could be addressed at the reserved matters stage.

5.23 The DAS also sets out a range of measures to mitigate and adapt to the challenges posed by climate change, listed below:

- Compliance with the energy hierarchy and fabric first approach.
- Compliance with the Building Regulations - Conservation of fuel and power: Approved Document L.
- Water efficient fittings to target water use of 110 litres/person/day.
- Optimising layout to maximise passive solar gain.
- Passive building design to optimise temperature regulation.

- Managing drainage and environmental factors with green infrastructure.
- Air Source Heat Pumps.
- EV charging points.

5.24 The Thames Valley Police Crime Prevention Design Advisor has expressed disappointment that crime prevention and community safety is not a significant consideration at this point. Whilst no objection is raised, an addendum to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted has been requested. In response the agent has commented that it is the applicant's intention to fully address the Secured By Design principles as part of a subsequent Reserved Matters application. As this is an outline application will all matters reserved apart from the primary access arrangements, crime prevention and community safety can be considered in detail at the reserved matters stage.

5.25 The Conservation and Design Officer (CDO) has commented that whilst this is an outline application the indicative looping road with several cul-de-sacs seems workable, whilst the built form is kept back from the main road a distance that is similar to that of the adjacent current scheme. The proposed 'up to two storey' approach would be fairly consistent with surrounding development, providing that there is a liberal seasoning of single and 1.5 storey structures, particularly around the perimeter. The indicative neo-cottage forms are considered acceptable. The CDO notes that the proposal would complete an extensive run of development along the A4095, around 1.4 km and suggests that there may be a case pushing the development further to the NW. In response to these comments the agent has advised that views of the site are localised, predominantly from travelling along the A4095 and already viewed in the context of existing modern development on all sides. There is already a run of development which is experienced along the A4095 comprising the existing village and the newer development. Accordingly, the proposed development would not extend this, rather, the only change would be bringing built form slightly closer to the A4095 which is not considered to have a significant impact on the historic environment given the site context. The suggestion of pushing the development further to the north west is therefore not considered necessary and in any event is not achievable in practical terms due to technical constraints. This includes the need to maintain a buffer to existing Thames Water infrastructure within the north-western part of the site and to respect the amenity of neighbouring houses.

5.26 In summary, Officers are content that the site would be able to accommodate the quantum of development proposed and that Secured By Design principles can be considered as part of a subsequent Reserved Matters application.

Impact on heritage assets

5.27 The site lies opposite Eynsham Hall Historic Park and Garden (HPG) which is located on the opposite side of the B4095 and Eynsham Hall is a Grade 2 listed building. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses and Policies EH9 and EH11 of the Local Plan reflect these duties. Similarly Policy EH14 seeks to protect the significance of HPG's including key views within, into and out of the HPG.

5.28 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.29 In the dismissed appeal decision for residential development on this site and adjoining land in 1997, the Inspector commented that ...'Eynsham Hall Park is well contained within its woodland. The site contributes to the setting of the Park in as much as when viewed from the A4095 it is open to view and provides an unbuilt setting which adds to the rural character of the area enhanced by the Park's woodland.' The Inspector considered that development on the site would detract from this rural character and would result in an impression of the village being altogether closer to the Park's edge.
- 5.30 When determining an application for a larger scheme on the site (16/04234/OUT), which had development running in a strip along the A4095, it was considered that the development would urbanise the setting of the Park for a considerable portion of its boundary and the scheme was amended to exclude this application site area and reduce the number of dwellings down to 50 units on the adjoining land to enable more of the frontage to the A4095 to remain open. This development named 'Marlborough Gardens' is now being built out.
- 5.31 Given the nature of the proposed development and the heritage concerns previously raised, this application is supported by a Heritage Impact Assessment (HIA). The heritage assets of relevance to the consideration of the proposal include the grade II listed Eynsham Hall Registered Park and Garden (RPG) and the listed buildings it contains including Eynsham Hall, the buildings within its group and North Lodge (all grade II). In the summary of significance in the HIA, the RPG is recognised as being of considerable heritage significance, but is considered not to have a strong visual or historical relationship with the application site or North Leigh. The A4095 is considered to perform an important role in marking a clear separation from the RPG which is further substantiated by the established woodland belt to the south of the road. Eynsham Hall, its associated buildings and North Lodge are also viewed as of considerable significance and, with the exception of North Lodge, their setting comprises the RPG only. It is noted that the linear character of the A4095 contributes to the significance of North Lodge and that the modern development along the north side of the road forms part of the setting of the lodge. The HIA concludes that there will be no unacceptable effect on the Eynsham Hall RPG or any of the listed buildings it contains. The proposal is considered to generate very little visual, abstract or historical change and the assessment notes that the heritage assets have already been influenced by the modern 20th and 21st century development on the north side of the A4095. Insofar as views are concerned, the HIA concludes that the proposal will not reduce the significance of the asset as the site is not a place which has been optimised for the enjoyment of the RPG or has any particularly strong visual or historic ties to it. With regard to the assessment provided in the Landscape Visual Appraisal, the HIA finds that the impact of the proposal on the setting of the heritage assets will be close to nil and consequently, the effect of the significance of all relevant heritage assets will be neutral. Given the above, the assessment concludes that there will be no harm to the significance of any heritage assets and that accordingly, NPPF paragraphs 201 and 202 (concerning the planning balance exercise required where less than substantial harm is identified) are not engaged. Notwithstanding the above conclusion, it is acknowledged that the proposal would action a material change in the context of the RPG.

- 5.32 In the submitted Planning Statement it is also argued that, the site context has materially changed since this 1997 appeal decision. The rural setting has been gradually evolving as a result of modern residential in this location, including immediately adjoining the application site. Resultantly, it is argued that the proposed development would not alter the setting of the RPG to the same extent as previously assessed by the Planning Inspectorate.
- 5.33 The Gardens Trust has advised that it does not wish to comment on the proposals at this stage but emphasise that this does not in any way signify either our approval or disapproval of the proposals.
- 5.34 In terms of archaeology, the site is located in an area of archaeological interest 270m west of a scheduled section of Grim's Ditch, thought to be a later prehistoric or Saxon boundary feature. A hillfort of probable Iron Age date is located 1km south of the application site. An archaeological evaluation immediately north east of the application site recorded an undated pit along with a paleochannel and evidence of ridge and furrow. The County Archaeological Officer has advised that a further programme of archaeological evaluation and mitigation will need to be undertaken ahead of any development on this site. Appropriate conditions are recommended to ensure the implementation of a staged programme of archaeological investigation to be undertaken ahead of the period of construction.
- 5.35 The Conservation Officer has commented that development on the site would follow the precedent first set by the infill in the area where Park Road turns to join the A4095 - development that is much nearer to the north entrance to Eynsham Hall - noting that inter-visibility with the RPG is negligible elsewhere.
- 5.36 In summary, notwithstanding the conclusion of the submitted HIA, it is considered that there would be less than substantial harm to the setting of the RPG, albeit at the lower end of the scale. Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this respect it is considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits would outweigh the less than substantial harms arising in this case.

Impact on Landscape

- 5.37 The site lies within the Ancient Settled Pastures landscape character type (Oxfordshire Wildlife and Landscape Study 2004), the Limestone Wolds character area (West Oxfordshire Design Guide 2016) and within the Wychwood Uplands Landscape Character Area and specifically comprises the semi-enclosed limestone wolds (smaller-scale) landscape type.
- 5.38 The submitted Landscape and Visual Impact Assessment (LVIA) describes the site as follows: Fairly intimate and small-scale with mature hedgerow field boundaries. The surrounding boundary hedgerows and tree belts (particularly along the A4095 frontage), adjoining built form and Eynsham Park woodland provide a good level of enclosure and restrict views. Due to this context, the intervisibility of the site is fairly limited, albeit there is some degree of intervisibility between the site and residential properties to the northwest and the Marlborough Gardens development to the east.

5.39 The LVIA concludes that the proposed development will result in negligible neutral effects to landform and minor adverse effects on land-use of the site. The existing vegetation of value will be retained and further native shrub and tree planting will be implemented giving a minor beneficial effect once established. The effect on landscape character of the site is judged to be minor adverse. The introduction of such residential properties will have little or no impact on any skylines in the wider landscape and little or no part of the development is likely to be glimpsed beyond 100m. Therefore effects on character beyond the Site will be negligible and neutral. Public viewpoints towards the Site unless very close to the Site are generally limited by a high level of enclosure, including built form and tree cover and the undulating landform. Overall, the proposals are judged to have carefully evolved to respect and enhance local landscape character and are acceptable in terms of landscape effects and effects on views and visual amenity.

5.40 When considering the larger scheme for 100 units concerns were raised over the perceived urbanising impact of the original scheme on the setting of the village and the rural character of the A4095. The revised 50-home scheme was supported in landscape terms on the basis development was concentrated where it most closely associates with the existing village and where the topography and tree screen meant it was least visually prominent. This proposal, together with the largely implemented Marlborough Gardens development, is of a scale comparable to the 100-home scheme originally submitted under application 16/04234/OUT.

5.41 The submitted Planning Statement argues that the key material change is the implementation of the Marlborough Gardens development. It is argued that following its implementation, the site is now physically enclosed and framed by built form on three sides. Marlborough Gardens heavily influences the character of the site which reads as a synonymous plot of land in landscape terms. In this capacity, it is considered that the site no longer makes a notably important contribution to the area and as such, the introduction of development to the west of Marlborough Gardens will be in keeping with the local landscape. The proposed development sympathetically graduates towards the built-up area of the village to the west and in combination with Marlborough Gardens reads as two parcels of built form which relates well to and readily assimilates with the existing village, and separated by a generous area of open space. It is argued that the open space area and wider green infrastructure network proposed including the 20m+ landscape buffer along the site frontage, will preserve the village's separation from the A4095. In addition, any landscape and visual impact of the proposed development will be reduced through the application of the Landscape Strategy enhancement measures, which includes:

- 20m green buffer along the A4095 tree belt;
- Strengthening existing boundary hedgerows and tree belts;
- New native tree, shrub, wildflower and meadow grassland planting;
- Footpaths;
- Tree-lined streets; and
- Specialised tree planting at focal points of the development

5.42 In conclusion, whilst this site lies adjacent to the urban area the proposed development would have an urbanising impact on the setting of the village and the rural character of the A4095. These effects would however be localised in nature. Nevertheless, the proposal would result in the loss of what is currently open agricultural land, and its replacement with housing, streets, lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. As such the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

Housing Mix

5.43 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. This indicates a range of one bed up to four bedroom houses. Further, 40% of the development (22 homes) is proposed as on site affordable housing which is considered to comply with policy H3 of the Local Plan. Two-thirds of affordable homes will be available for social rent, a quarter available as First Homes and the remainder available as other intermediate housing. This tenure mix complies with the recommended proportions set out in the West Oxfordshire Affordable Housing SPD. The Council's Housing Enabling Officer has advised that the applicant sought views from the Council's affordable housing team and has reflected this in the proposed mix. With respect to the ageing population and people with disabilities, the proposal is able to provide at least 25% of market and affordable homes to M4(2) accessible and adaptable standards and at least 5% of market and affordable homes to M4(3) wheelchair adaptable standards.

Accessibility/Highway Issues

5.44 The outline application includes primary access arrangements. The site is to be accessed via a new vehicular junction from Akeman Road. This will also facilitate cycle and pedestrian access. The existing site access from the A4095 via the agricultural field gate will be restricted to pedestrian and cycle access only. Other pedestrian and cyclist connections are proposed from the development area to connect to Akeman Road which has a footpath connection to the north joining onto Windmill Road. This development would benefit from this pedestrian connection, as it provides a formal route into the village centre. The adjoining development at Marlborough Gardens also requires the provision of a foot/cycle path along the northern side of the A4095, and to safeguard land for that purpose, which would in effect, complete the 'missing link' between Common Road and Park Road.

5.45 The submitted Transport Assessment (TA) concludes that the site lies in close proximity to a number of PRow routes, a frequent bus service (which runs to the nearby Railway Station) and local amenities. Additionally, Witney is accessible via a 7-minute bus journey with several shops, cafés, restaurants and supermarkets located in the town centre. Therefore, the site is well placed to promote sustainable travel in the future. In term of traffic impact and highway safety the TA concludes that it has demonstrated that safe and suitable access is achievable and that the impact on the operation of the road network will not be severe.

5.46 OCC Transport has raised no objection to the application subject to a S106 contribution towards public transport services and highway conditions.

Flood Risk/Drainage/Water Supply

5.47 A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The report advises that the development proposals together with the site layout have been assessed in relation to the provision of SuDS drainage associated with the works. The report has assessed the feasibility of implementing the SuDS hierarchal approach and has confirmed that this development is likely to be able to install suitable drainage measures into the design proposals. Flood risk to the site has been assessed, and where risks have been deemed above low, mitigation measures have been proposed to reduce the risk to the site. The development site lies within land classified as flood zone I, which is considered at a low risk of flooding, and therefore appropriate for a

development of this nature. Having assessed the other forms of flood risk to and from the development site, the report finds that the site is not considered at high risk from any other sources of flooding.

5.48 Following the submission of additional drainage information, the Lead Local Flood Authority has raised no objection to the application subject to drainage conditions.

5.49 With regard to foul drainage, the development proposals seek to discharge foul water from the development site into the existing foul drainage network near the Common Road pumping station, to the southwest of the site. This will be subject to a Section 106 consents from Thames Water. Flows into this system will be via a gravity fed connection.

5.50 Thames Water (TW) has advised that with regard to foul water sewerage network infrastructure capacity, it would not have any objection to the planning application, based on the information provided. TW has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and as such recommends a condition to ensure that all water network upgrades required to accommodate the additional demand to serve the development are completed.

Biodiversity

5.51 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. The application is supported by an updated Biodiversity Impact Assessment which concludes that the Proposed Development will result in an increase in habitat units within the Site with a net gain in biodiversity of 10.7%. In addition, the Proposed Development will also result in an increase in hedgerow units within the Site with a net gain of 7.57%. In terms of wider Biodiversity within the Site, additional features will be implemented as part of the proposed development, including:

- Provision of bird boxes including sparrow terraces, swift boxes and general purpose boxes;
- Provision of bat boxes such as Schwegler IFF;
- Provision of suitable gaps in fence lines to allow the movement of species such as hedgehog;
- Creation of log piles and hibernaculum suitable for reptiles and amphibians.

5.52 The Biodiversity Officer (BO) has commented that the proposed development does not satisfy biodiversity net gain (BNG) trading rules in which habitat distinctiveness before and after development should not be 'traded down'. As such the BO objects to the application on the grounds that insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain.

5.53 In response the agent has argued that the report identifies that a net gain in biodiversity of 10.7% is achieved and comment that there is no adopted Local Plan policy or legal basis for 10% net gain at present. Whilst the Environment Bill 2021 will legally require 10% net gain and use of the Biodiversity Metric, this is not yet enacted. As the BNG requirements of the Environment Bill 2021 are not formally enacted and the implementation of it is still subject to consultation, Edgars consider that application of the Trading Rules is not required. In this context, the agent considers that the proposed development, which achieves 10.7% net gain, delivers and exceeds the current Local plan policy and legal requirements.

Residential Amenity/Noise/Air Quality

- 5.54 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, noise and disturbance can be considered.
- 5.55 The application is supported by a Road Traffic Noise Assessment which identifies that the noise levels reduce away from the A4095 such that the majority of the housing area proposed falls within the low-risk and potentially the negligible risk category. In areas closest to the A4095, it is considered that a modest amount of noise mitigation will be required to ensure good acoustic design and a suitable acoustic environment for future occupants in line with BS8233 guidelines. It is recommended that a 10m buffer is retained between the nearside carriageway edge of the A4095 and the nearest habitable room facades. This is reflected and notably exceeded by proposed indicative site layout (which maintains a 25m distance from the nearside edge of the carriageway to the closest parcel of land earmarked for residential development). The principal method of mitigation is to incorporate glazing and ventilation systems of suitable specification. Properties with habitable rooms 20-30m from the carriageway will require an acoustic glazing system. In any areas within 30m from the A4095 require standard thermal double glazing. Properties 30-40m from the carriageway will only require acoustically attenuated trickle ventilators. For properties over 40m from the A4095, standard thermal double glazing and ventilators will suffice. Rear gardens fronting the A4095, and not behind buildings fronting the A4095, may also require purpose built acoustic screening. Through the recommended noise mitigation measures, the proposal will ensure that new residential properties retain a high standard of protection and amenity, and occupants will not experience significant noise disturbance.

Summary of S106 contributions

- 5.56 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.
- 5.57 The applicant has referred to the provision of 40% 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.
- 5.58 Matters relating to the provision of recreation, play areas and open space will also be secured via the legal agreement together with required monitoring costs.
- 5.59 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below;
OCC seeks:
- £62,315 towards bus improvements.
 - £337,897 towards secondary education
 - £26,922 towards special education
 - £5,168 towards expansion and efficiency of household waste recycling centres.
- 5.60 In terms of health care, the Oxfordshire Clinical Commissioning Group (OCCG) has requested a contribution of £47,520 towards primary care infrastructure funding.

Conclusion and Planning Balance

- 5.61 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.
- 5.62 The site is located immediately adjacent to the village of North Leigh, which provides a range of amenities and is considered a suitable location for some new development.
- 5.63 Where policies for the supply of housing are out of date, para.11 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social and environmental planning roles.
- 5.64 With regards to the economic dimension of sustainability, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. I consider that moderate weight should be afforded to these benefits.
- 5.65 The proposal would positively support the delivery of housing, including affordable housing. There is a need for market and affordable homes within our district and the proposal would contribute towards this at a time of housing need. I attach significant weight to this social benefit.
- 5.66 In terms of the environmental dimension, whilst it is recognised that the development will close the existing open gap along the A4095, a 20m green buffer is proposed between the A4095 and built form which will help to mitigate its landscape impact and will provide a softer edge to the development. It is acknowledged that 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 North Leigh to the west and north. 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 which will also provide wider biodiversity enhancements and habitats.. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal.
- 5.67 There would be 'less than substantial harm' to the settings of the RPG and its associated listed buildings immediately to the east of the site, which would be at the lower end of the scale. Nevertheless, it is considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits would outweigh the less than substantial harm arising in this case. The applicant's suggested contribution of relevant proceeds from the developments to the conservation, maintenance and restoration of the Blenheim Palace World Heritage Site would also be a potential benefit of the scheme.
- 5.68 The proposal now provides adequate drainage details to demonstrate adequate water management

5.69 Notwithstanding, the concerns raised by the Biodiversity Officer in respect of biodiversity net gain (BNG) trading rules, the development would result in biodiversity net gain, which accords with Policy EH3 of the Local Plan, which should weigh as a benefit in the planning balance.

5.70 The proposed development is sustainable in transport terms and would provide a safe and suitable access and could be adequately accommodated onto the local road network. The development would link into existing footpath and cycle connections in the immediate area and improvements to bus services in North Leigh could be secured as necessary.

5.71 In conclusion, it is Officer opinion that placing all of the relevant material considerations in the balance, the adverse impacts would not significantly and demonstrably outweigh the benefits which would result from the provision of new housing and affordable housing to boost supply as required by the NPPF. When considered against the development plan as a whole, the proposal would represent a sustainable form of development. The application is therefore recommended for approval subject to the required S106 agreement.

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 , (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. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

REASON: In the interests of Highway safety.

5. Prior to first occupation a Travel Plan Statement and Residential Travel Information Pack should be submitted to the Local Planning Authority.

REASON: To promote active modes of travel.

6. No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

7. Construction shall not begin until/prior to the approval of first reserved matters; 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, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.
 - 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.

8. 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 onsite;
 - 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.

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

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

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

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

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

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

12. 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).

13. Following the approval of the Written Scheme of Investigation referred to in condition 12, 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).

14. No development shall be occupied 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 development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no/low water pressure 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.

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

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

16. Noise mitigation measures shall be carried out in accordance with the submitted Road Traffic Noise Assessment Report prepared by Hepworth Acoustics Ltd (Report No: P22-152-R01v1) dated May 2022.

REASON: In the interests of residential amenity.

17. The development shall be completed in accordance with all measures and recommendations outlined in the following documents:

- West Oxfordshire's Precautionary Method of Working document.
- Sections 10.15, 10.26, 10.29 and 10.33 of the consultancy report (Preliminary Ecological Appraisal, Nicholsons Lockhart Garratt, dated July 2022)
- Section 5 of the consultancy report (Reptile Survey Report, Nicholsons Lockhart Garratt, dated June 2022)

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure badgers, reptiles, amphibians, nesting birds and commuting/foraging bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:

- I. Description and evaluation of features to be managed, including locations shown on a site map;
- II. Landscape and ecological trends and constraints on site that might influence management;

- III. Aims and objectives of management, including ensuring the delivery of the 10.7 % net gain in habitat units and 7.57% net gain in hedgerow units on site;
- IV. Appropriate management options for achieving the aims and objectives;
- V. Prescriptions for all management actions;
- VI. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- VII. Details of the body or organisation responsible for implementation of the plan;
- VIII. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- IX. Timeframe for reviewing the plan;
- X. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- XI. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

19. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
- a) Identify the areas/features on site that are particularly sensitive for foraging bats;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

20. Within 3 months of commencement, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of integrated and tree mounted bird and bat boxes (including swifts), reptile hibernaculum, hedgehog friendly fencing and bee bricks shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

REASON: To provide biodiversity enhancements, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES :-

- 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.

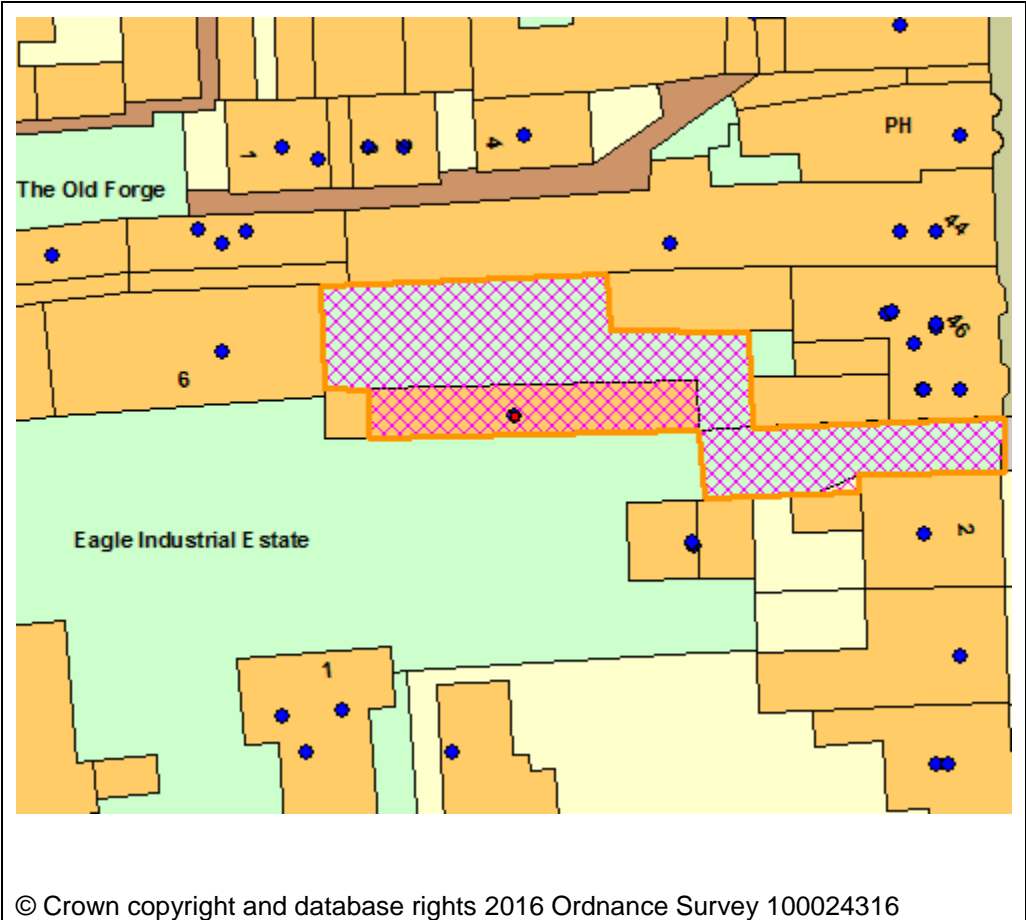
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 18th January 2023

Application Number	22/02853/FUL
Site Address	46A Market Square Witney Oxfordshire OX28 6AL
Date	18th January 2023
Officer	Esther Hill
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435538 E 209524 N
Committee Date	30th January 2023

Location Map



Application Details:

Renovation and refurbishment of existing outbuilding and extension to create a one and half storey three bedroom house with associated amenity area and two car parking spaces.

Applicant Details:

Mr And Mrs Jo And James Druce-Harding
15 Mill Meadow
Ducklington
Oxon
OX27 7AY

I CONSULTATIONS

WODC Env Consultation Sites I have seen the above referenced planning application on the portal, I don't think we were consulted directly in relation to contamination. The proposed development site is on our list of potentially contaminated sites based on its former use as a brewery. Given its former use, its current commercial use and the proposed residential usage please consider adding the following condition to any grant of permission.

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

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

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

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

OCC Highways

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

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

- G28 parking as plan

WODC Env Health - Lowlands Thank you for the opportunity to consult.

I have No Objection in principle.

A standard condition around a Construction (Demolition) Environmental Management Plan (CEMP), would be appropriate under the circumstances.

WODC Drainage Engineers

If full planning permission is granted, could you please request the following condition:-

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

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

the approved site layout being required to ensure flooding does not occur.

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

NOTE TO APPLICANT:

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

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

No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

Conservation And Design
Officer

Context: a curtilage listed outbuilding known as Long Barn located to the rear no.46 Market Square - a Grade II listed building (list entry 1213490), located in Witney & Cogges Conservation Area.

No. 46 was formerly known as Bull Inn and dates from early-mid C18 with C19 alterations. The Bull Inn stated to be a brewery tap to Clinch and Co Brewery, the original owners and occupiers of what is now the Wychwood Brewery. Further details about the brewing industry and architecture can be found at Historic England website: <https://historicengland.org.uk/images-books/publications/brewing-industry/bhs-brewing-ind-shier/> and <https://historicengland.org.uk/images-books/publications/gazetteer-breweries/bhs-operating-breweries/>

The building is a long linear free standing building running parallel to and having an unbroken west facing stone wall fronting onto the entrance road into what was formerly an entrance to the Brewery and is now the Eagle Industrial Estate from Market Square.

From the photographs provided, I note that there are still some distinguishable architectural characteristics that relay its significance and context as an outbuilding, possibly cart shed or similar with a historic association to the former Bull Inn. Our OS mapping records show the structure existed at this current location at least from 1875. The outbuilding appears to be a substantial and solid structure that looks to be structurally sound.

In Witney and Cogges Conservation Area Appraisal, it states: 'For centuries, High Street and Market Square have represented the commercial heart of the old town; a long and memorable street of shops giving way to houses at its northern end, whose essential character has remained intact since the Middle Ages...in particular Market Square at the street's southern end - marks the commercial focus of the old town. Historically, the street was lined with a combination of shops, houses and inns - a mix that remains strongly intact. And, Market Square and High Street are primarily defined by their buildings.'

Opinion:

- The applicant's heritage statement is inadequate - and goes no way to looking into the historical or architectural history, fabric, character and significance of this listed building. Proposals for changes can only be informed and guided by a comprehensive understanding of the building and its locale.
- The design / details of the proposal and its impact on the listed building are inadequate. We do not know what (if any) historic fabric will be lost. There is not enough details about the installation of services, the roof, floor, windows, openings, insulation etc. An adequate Heritage statement should supply enough details in order to understand the impact of a proposal on the significance, fabric and character of the listed building (in line with Historic England's guidance: <https://historicengland.org.uk/images->

books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/)

- The applicant has not adequately assessed the impact of this proposal on the principal listed building, and effect on its significance, character, setting and views.
- While the building could be converted into accommodation, it needs to be done sensitively, so that the character of the all of the heritage assets are preserved.
- the current outbuilding is still clearly viewed from Market Square (as shown on the image above) and is considered to make a positive contribution to the character, appearance and setting of the principal listed building (inc. curtilage) and the Witney & Cogges conservation area.

There are issues with the alteration and design that include:

- the extended gable will significantly alter the linear (plan) form and character of the Long Barn and it would have a deleterious impact to its character. And, its extension outwards into the current open and characterful courtyard - would not respect the historic curtilage, context and setting of the heritage assets, including its historic townscape context. And, the proposed form and layout of the development will not respect and build on the pre-existing historic character (and building layout).
- the extremely residential nature of the alteration to the Long Barn (including its height) would not only harm the character and historic context of the Long Barn itself, but also it would affect the views out from the principal listed building - affecting its significance and character, and views.
- the increased height of the Long Barn would detract from and obscure views of the listed building from the rear of the conservation area.
- the increased height would alter the setting of the heritage assets within the Conservation area - losing the context of the original historic character and form of the Long Barn.

I raise an objection to the proposal in its current form. The proposal would have a deleterious impact on the heritage assets, and result in the erosion of the character, fabric, appearance and setting of the heritage assets identified. Also, the application lacks critical information for making an informed decision.

Recommendations: The conversion of the Long Barn should ensure that the building retains its current, scale, height (one-storey) and

form. This building could be well suited to becoming an accessible bungalow nearby the town centre.

I further recommend the applicant seek advice from a heritage specialist / conservation architect in any subsequent application.

I recommend the applicant withdraws this application and seeks pre-application advice. Otherwise I recommend refusal in its current form because it does not preserve the character, appearance and setting of the heritage assets identified.

Reasons: Contrary to policies EH9, EH10, EH11, EH13 OS4, NPPF 2021, and WODC Design Guidance and Witney & Cogges Conservation Area Appraisal

WODC Building Control
Manager

No Comment Received.

WODC Planning Policy
Manager

Thank you for consulting me on the above application about which I have very significant concerns.

1. The proposed development is in the Eagle Industrial Estate. It is inappropriate to have a house in this location surrounded by businesses. The Eagle Industrial Estate is a really important part of Witney's economy. It might not be huge and it certainly isn't pretty once you are in it but it serves a really important purpose. It brings businesses right into the heart of the town. Not only would this application result in the loss of business space but locating a house here has the potential to blight and compromise the future of the estate by creating amenity issues for the residents.
2. The applicants have provided an agent's review of the Oxfordshire office market to support their application. Nowhere does this review refer to the demand or lack of it relating to this specific office building. The review refers to a schedule of available office space. It should be noted that more than half of the properties on the schedule are not in Witney and I do not think that there is an excessive number of vacant offices on the schedule given the area it covers.

Parish Council

Mrs S Groth Witney Town Council note the comments from the technical consultees for this application, and are happy to support the proposal if the recommendations from those consultees are met. Particular attention should be paid to the SUDS strategy and

suggested planning conditions from the Drainage Officer, and members request that all these recommendations are included should the application be approved.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 A planning support statement has been submitted which incorporates a Heritage Impact Assessment and Design and Access Statement. This document is available on the Council's website. The statements have been summarised and concluded as follows:

Listed Building Consent and Planning Permission has been submitted for the renovation and refurbishment, in an extended form, of an outbuilding to the rear of 46 Market Street, Witney, to provide a one and a half storey three bedroomed house. The proposal would lead to less than substantial harm to the setting of the listed former Bull Inn, but that the public benefits of the proposal would be to provide a new family house, with office space, in a highly sustainable location in the centre of Witney and put this part of the curtilage of the listed building, in a modified form, back into an optimum new and viable use.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E6NEW Town centres

T4NEW Parking provision

WIT5NE Witney town centre strategy

EH16 Non designated heritage assets

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the renovation and refurbishment of an existing outbuilding and an extension, to create a one and half storey three bedroom house with associated amenity area and two car parking spaces at 46a Market Square, Witney.
- 5.2 The application site relates to an outbuilding known as Long Barn located to the rear, and within the curtilage of no.46a Market Square, Witney, a Grade II listed building (list entry 1213490). No. 46 was formerly known as Bull Inn and dates from early-mid C18 with C19 alterations. The Bull Inn stated to be brewery tap to Clinch and Co Brewery, the original owners and occupiers of what is now the Wychwood Brewery. Long Barn is curtilage listed, locally listed and falls within the Witney & Cogges Conservation Area. The building is a long linear free standing building running parallel to the entrance road of the Eagle Industrial Estate from Market Square. The ground floor of 46 Market Square is occupied in part by Church Green Books and by the offices of Dana Care, the upper floors of the building and its attached outbuildings are used as offices. The outbuilding which is the subject of this application has been split into three units. One unit until recently, has been used as a storage space, one unit is currently being used as a workshop and the third unit is now vacant but was used as an office.
- 5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Town Council.

Planning History

- 5.4 21/03643/FUL- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused
- 21/03644/LBC- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused
- 5.5 Members may recall the above applications, as they were refused by the Lowlands Planning Sub Committee on 19th April 2022. This application proposes an amended scheme to that previously refused. Instead of the complete demolition of the building this application seeks to retain the existing south and eastern facing stone walls. The proposed cross gable extension has been reduced in length by 30cm and there has been some minor alterations to the fenestration of the dwelling. Additional supporting information has also been submitted, relating to the viability of the existing building being used for business/commercial purposes. The applicants did not engage in Pre Application Advise prior to the submission of this amended scheme.
- 5.6 Your officers were unable to find any other planning history specifically relating to the outbuilding which is the subject of this application. However, from the Heritage Statement provided and the consultation comments received from your Listed Building and Conservation Officers, it is believed that the outbuilding was possibly a cartshed or similar with a historic association to the former Bull Inn and was converted to offices in the late 1970's.

Proposed Development

- 5.7 The proposed renovation and extension will form a single, one and half storey 3-bedroom dwelling. The proposed dwelling is on the footprint of Long Barn and has a cross gable extension, which extends out across an existing car parking area. It is proposed to remove the roof, retain the existing south and eastern facing stone walls and increase the building height to facilitate an additional storey within the new roof space. The heightened element of the southern and eastern walls would be finished in natural oak panels. The concrete tiles from the roof would be used to contribute to the construction of the proposed dwelling. The existing 1970's north facing brick frontage of the barn to the internal courtyard, with a variety of inset doors and windows, will be removed and replaced with a natural stone wall with inset wooden windows. The proposed dwelling is 1.55m taller at eaves level and 1.73m taller at ridge level than the existing Long Barn. The proposed dwelling has six roof lights on its southern elevation, which face Eagle Industrial Estate. The proposed dwelling has three windows and two doors at ground floor level and two dormer windows, a roof light, and a window at first floor level on its northern elevation. The proposed dwelling has bi folding doors and a Juliet balcony on its western elevation. On its eastern elevation the proposed dwelling has two doors and two windows at ground floor level and a dormer window and a window at first floor level. The proposed materials are natural stone, oak panels, concrete tiles, double glazed wooden windows and doors and an aluminium bi folding door. The proposed dwelling would also have associated outdoor amenity space in the form of a patio within an enclosed courtyard space. Two parking spaces are proposed and bin and cycle storage.
- 5.8 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
 - Design and Impact on Heritage Assets and the Conservation Area
 - Residential Amenity
 - Highways

Officers Assessment

Principle

- 5.9 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 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 Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).
- 5.10 The starting point in the assessment of the principle of development is policy OS2, which outlines the general spatial strategy for new development in the District. The application site sits within

Witney which is identified under West Oxfordshire Local Plan Policy OS2 as a Main Service Centre, where new dwellings can be permitted where they are of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.

Policy OS2 defers the housing locational strategy to Policy H2 stating:

"Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan."

- 5.11 Policy H2 of the West Oxfordshire Local Plan allows for new dwellings within the main service centres 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.
- 5.12 The principle of a dwelling in the proposed location is considered to comply with the locational policies set out within the adopted West Oxfordshire Local Plan 2031.
- 5.13 As stated within policy H2 the development has to comply with any other relevant policies in the plan. Your Officers consider the relevant policies to be OS2- Locating development in the right places, OS4- High quality design, E1- Land for Employment, E6- Town centres, T4- Parking provision, EH3- Biodiversity and geodiversity, EH8- Environmental protection, EH9 -Historic environment, EH10- Conservation areas, EH11- Listed buildings, EH13 - Historic landscape character and WIT5- Witney Town Centre Strategy.
- 5.14 As stated within the supporting documents submitted, the last known use for Long Barns is as a workshop, storage and office space. Given its most recent use and that the site is immediately adjacent to and shares access with the Eagle Industrial Estate, your officers are satisfied that whilst it does not fall within the Article 4 Directions of the industrial estate, that the site is categorised as an employment site. Therefore, Policy E1 is relevant when considering this application. Policy E1 states that non-employment uses on employment sites will be refused except in the following circumstances -
- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
 - where substantial community benefits would be achieved by allowing alternative forms of development.
- 5.15 A Viability Statement produced by Shields Longden and Co Chartered Surveyors and a Letter from Benedicts a Consultant Surveyors, have been provided to support this application. The Viability Report states that *the most viable option is to take down the modern parts of the structure, retaining the historic south stone wall, and re build in materials in keeping with the Conservation area and Listed Building.* The Letter provided by Benedicts states that there is a lack of demand for traditional town centre office space and attached a supply schedule detailing the current availability of small-unit office space within West Oxfordshire. The supply schedule submitted showed there to be 39

vacant office units offering a total floor area in excess of 68,000 sq.ft. The details submitted have been carefully analysed by the WODC Business Development Officer, who has objected to the proposal. Nowhere within the review submitted does it refer to the demand or lack of it relating specifically to Long Barn. The review refers to a schedule of available office space, however more than half of the properties on the schedule are not in Witney and your officers do not consider there to be an excessive number of vacant offices on the schedule given the area it covers.

5.16 Concerns were also raised by the WODC Business Development Officer relating to the siting of a dwelling in this location. Your Business Development Officer has stated *It is inappropriate to have a house in this location surrounded by businesses. The Eagle Industrial Estate is a really important part of Witney's economy. It might not be huge and it certainly isn't pretty once you are in it but it serves a really important purpose. It brings businesses right into the heart of the town. Not only would this application result in the loss of business space but locating a house here has the potential to blight and compromise the future of the estate by creating amenity issues for the residents.*

For the reasons stated above, your officers do not consider that sufficient information has been provided demonstrating that Long Barn is not capable of being used or redeveloped for employment uses. Your officers also consider that should the building be converted into residential accommodation, that this may impact the future of the estate, given amenity issues that may arise from businesses and residential properties being situated in such close proximity to each other. As such, the proposal is considered to be contrary to policy EI.

5.17 Additionally, Policy OS2 states that 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
- 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.

5.18 Your officers are of the opinion that the principle of the proposal does not comply with the general principles set out in Policies OS2 and other relevant policies in this plan. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies as outlined above, guidance and legislation in the relevant sections below:

Design and Impact on Heritage Assets and the Conservation Area

5.19 Long Barn is a grade II curtilage listed building in association with no.46 Market Square, Witney. There are also listed buildings to the north and the south of Long Barn. Whilst officers note that the existing south and eastern facing stone walls are to be retained, the building is to be significantly altered and extended. Whilst Long Barn is curtilage listed it should be treated as any other grade II listed building as stated within Paragraph: 044 Reference ID: 18a-044-20190723 of government planning guidance, *all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.*

- 5.20 The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.21 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset -such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.22 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Whilst a Heritage Impact Assessment has been submitted with this application, your officers consider it to be inadequate and goes no way to looking into the historical or architectural history, fabric, character and significance of this listed building. Proposals for changes can only be informed and guided by a comprehensive understanding of the building and its locality. A senior member of PINS recently stated: *'planning decision-makers should ensure they have a "really thorough understanding" of heritage assets when handling applications, and an "honest approach" should be taken to assessing the "magnitude of harm" arising from development proposals that affect such assets'. So, the "very heart" of decision-making around such applications lies in "a really thorough understanding of what it is that we're dealing with". Once we understand "what the significance of the asset is in all its nuanced forms and where its special interest lies" then we can make an informed decision about the impact of any proposals..*
- 5.23 From the information provided, we do not know what (if any) historic fabric will be lost. There is not enough details about the installation of services, the roof, floor, windows, openings, insulation etc. An adequate Heritage statement should supply enough details in order to understand the impact of a proposal on the significance, fabric and character of the listed building (in line with Historic England's guidance: <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>). Notwithstanding the lack of information provided, your officers have assessed the significance of this building as being its age, the buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, possibly cartshed or similar with a historic association to the former Bull Inn, its linear form and prominent location within the conservation area. The outbuilding is clearly viewed from Market Square and is considered to make a positive contribution to the character, appearance and setting of the principal listed building (inc. curtilage) and the conservation area.
- 5.24 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost by the associated domestication such as the additional windows, doors and balcony, as a result of the use change. The proposed extension into the characterful courtyard is incongruous and together with the increase in roof height, will have a transformative impact on character of the existing building. The buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, such as its form

and scale will mostly be lost. The proposed form and layout of the development will not respect and build on the pre-existing historic character (and building layout). Your officers therefore consider that the proposed development would harm the significance, character, appearance and setting of the curtilage listed Long Barn. This harm is considered to be towards the higher end of 'less than substantial'.

5.25 The vernacular outbuilding delineates and provides historic and architectural context to its relationship to former Bull Inn and Brewery. Long Barn is of a modest scale, clearly secondary and subservient to principal listed building. The proposed extension into the characterful courtyard and its increase in height, is incongruous and it does not respect the historic curtilage, context and setting of the heritage assets, including its historic townscape context. Therefore, by reason of the increased scale of the development, its design, alterations to plan form and the residential character of the proposed works, the proposed development will have a harmful impact on the setting, character and views out from the principal listing building 46 Market Square and neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'.

5.26 In terms of the impact on the Conservation Area, local authorities have a legal duty to preserve or enhance and must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In Witney and Cogges Conservation Area Appraisal, it states: *'For centuries, High Street and Market Square have represented the commercial heart of the old town; a long and memorable street of shops giving way to houses at its northern end, whose essential character has remained intact since the Middle Ages...in particular Market Square at the street's southern end - marks the commercial focus of the old town. Historically, the street was lined with a combination of shops, houses and inns - a mix that remains strongly intact. And, Market Square and High Street are primarily defined by their buildings'*.

5.27 Long Barn can be clearly viewed from within Market Square and by reason of its traditional character and historic significance your officers consider that it positively contributes to the character and appearance of the Witney and Cogges Conservation Area. This proposal involves significantly altering this characterful building and given the scale and design of the proposed dwelling, officers do not consider that the proposed development would enhance or protect the Conservation Area, having a harmful impact on its setting, character and appearance. This harm is considered to be towards the higher end of 'less than substantial'.

5.28 Whilst the existing building is curtilage listed, it is also locally listed. Policy EH9 states that when considering proposals that affect, directly or indirectly, the significance of non-designated heritage assets, a balanced judgement will be made having regard to:

- the scale of any harm or loss;
- the significance of the heritage asset; and
- the public benefits of the development. If it is determined through the relevant evidence that currently non-designated buildings, structures, historic landscapes or archaeology are of national significance, those elements of this policy for designated heritage assets will apply.

For the reasons already stated above the proposal is considered to be contrary to policy EH9 of the Adopted West Oxfordshire Local Plan.

5.29 Your Officers have identified harm to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings and the setting of

the Witney and Cogges Conservation Area. This harm is considered to be towards the higher end of 'less than substantial'. Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

5.30 In terms of public benefits, the proposed development would add a dwelling to West Oxfordshire Council housing stock within a sustainable location, however it will only be a single dwelling and therefore attracts very limited weight. Some economic benefits will arise from the construction of the development however given the scale of the development this will be limited and attracts very limited weight.

5.31 In light of the less than substantial harm to the higher end of the scale, which has been found to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings and the setting of the Witney and Cogges Conservation Area. Your officers are satisfied, that the public benefits of the new dwelling and the economic public benefit found, would not outweigh the less substantial harm found to the Grade II listed Buildings, their setting and the Witney and Cogges Conservation Area.

The proposal is therefore contrary to Local Plan Policy EH10, EH11, EH13 EH9, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 'Conserving and enhancing the historic environment' of the NPPF.

5.32 Notwithstanding the listed status of Long Barn, your officers have concerns with the scale and design of the proposed alterations and extensions. Given the courtyard setting of Long Barn, which has other large buildings within very close proximity, the site is quite constrained in terms of size and its relationship with neighbouring buildings. Your officers have concerns with the proposed scale of the extension into the courtyard in particular, as it is 8m in depth and 7.3m long and appears to be incongruous and cramped in this location. The proposed extensions and alterations are not considered to be of an appropriate scale and do not logically complement the character and appearance of the area. Therefore your officers consider that the proposal is contrary to policy OS4 of the Adopted West Oxfordshire Local Plan.

Residential Amenities

5.33 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185. Your officers do have a number of concerns relating to the impact this development would have on residential amenity issues such as loss of light, loss of privacy, overbearing, overlooking and noise and disturbance.

5.34 The proposed dwelling is to be situated within very close proximity to commercial and industrial uses, which include buildings forming part of the courtyard, the dwelling will also run parallel with the entrance into an industrial estate. Your officers did have initial concerns with a residential dwelling in this location, given the noise and disturbance impacts which may arise from the adjoining uses, such as vehicular and pedestrian movements and machinery. These concerns have been shared by the WODC Business Development Officer. However, the WODC Pollution Officer was consulted on this application and raised no objections subject to conditions.

- 5.35 Given that the dwelling is proposed in a courtyard location surrounded by high walls and that a large part of this courtyard is to be filled with the proposed cross gable extension, your officers have concerns that the development would result in an overbearing and enclosed feeling for the future occupiers. It is also arguable that this would also result in insufficient light into the building itself and will provide a poor outlook from the proposed openings therefore providing poor living conditions. There are a number of windows within the neighbouring buildings on the courtyard which would give rise to some harm in terms of overlooking and loss of privacy into the proposed dwelling.
- 5.36 In view of the above, your officers consider that the proposed dwelling would give rise to unacceptable levels of harms in terms of neighbouring amenity issues and is therefore contrary to policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031.

Highways

- 5.37 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. However, whilst the proposed parking spaces meet the guidance set out by OCC Highways, your officers do have some concerns with the practicality of manoeuvring vehicles in such a confined space. However, given the town centre location of the proposed dwelling and the amount of other parking options within the immediate locality, your officers considers the scheme to be acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Other Matters

- 5.38 The WODC Drainage Officer has not objected to this application subject to all comments being taken on board and a pre-commencement surface water condition being adhered to in full.
- 5.39 Witney Town Council have raised no objections to this proposal subject to the recommendations from consultees. The Parish suggests particular attention should be paid to the SUDS strategy and the suggested planning conditions from the Drainage Officer, and asked for all these recommendations to be included should the application be approved.
- 5.40 The WODC Pollutions Officer have raised no objection to the proposal subject to a condition requesting that a Construction (Demolition) Environmental Management Plan (EMP) is provided.
- 5.41 The WODC Contamination Officer has raised no objection to this application subject to conditions.
- 5.42 In terms of Biodiversity, a Protected Species Survey Report was submitted as part of this application. The results of the survey show that no bats or evidence of bats were found and that the barn offered 'negligible' potential to offer shelter to roosting bats. The survey also found no evidence of nesting birds. Bat and bird boxes have been proposed as part of the scheme. Notwithstanding the incorrect development description, given the results of the report officers consider that the proposal would comply with policy EH3 of the Adopted West Oxfordshire Local Plan 2031.

Conclusion

- 5.43 Your officers have had regard to the development plan as a whole and the policies which weigh both in favour of the development and against it. Your officers have also had regard to all material considerations, including a lack of 5-year housing land supply and policies in Framework. Your officers are not required to engage the 'tilted balance' as part of this assessment, as the application of policies within the NPPF which protect areas or assets of particular importance, provide a clear reason for refusing the development proposed.
- 5.44 By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal is considered to have a harmful impact on the significance, character, appearance and setting of Long Barn a grade II curtilage listed building, the setting, character and views out from the principal listing building, 46 Market Square, neighbouring listed buildings and the setting, character and appearance of the Witney and Cogges Conservation Area. This harm is considered to be at the higher end of 'less than substantial'. The economic benefits and the addition of one dwelling to WODC housing stock, does not outweigh the less than substantial harm found. The proposal is therefore judged to be contrary to the duty to Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It would also fail to meet the requirements of Section 16 of the NPPF, and policies EH10 and EH11 of the Adopted West Oxfordshire Local Plan 2031.
- 5.45 Your officers also consider that insufficient information has been provided demonstrating that Long Barn is not capable of being used or redeveloped for employment uses and no substantial community benefits would be achieved by the proposed development, therefore it is contrary to Policy E1 of the West Oxfordshire Local Plan 2031.
- 5.46 Your officers additionally consider that the proposed development would fail to comply with the provisions of Policies OS2, EH9, EH10, EH11, EH13 OS4, NPPF 2021, and WODC Design Guidance 2016 and Witney & Cogges Conservation Area Appraisal.
- 5.47 In light of the above, the application is recommended for refusal.

6 REASONS FOR REFUSAL

1. By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal will have a harmful impact on the significance, character, appearance and setting of Long Barn a grade II curtilage listed building, the setting, character and views out from the principal listing building 46 Market Square and neighbouring listed buildings and the setting, character and appearance of the Witney and Cogges Conservation Area. This harm is considered to be at the higher end of 'less than substantial' and would not be outweighed by any discernible public benefits. Consequently, the proposal is contrary to policies OS2, OS4, H2, EH9, EH10, EH11, EH12 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, Section 14 of the WODC Design Guide 2016, the Witney and Cogges Conservation Area Appraisal and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
2. Insufficient information has been provided demonstrating that Long Barn is not capable of being used or redeveloped for employment uses and no substantial community benefits would be

achieved by the proposed development, therefore it is contrary to Policy EI of the West Oxfordshire Local Plan 2031.

3. By reason of its scale, siting and design the proposed development will appear cramped and incongruous within this location and would result in a detrimental impact on the residential amenity and living conditions for future occupants. The proposal is therefore considered contrary to Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the National Design Guide and the relevant paragraphs of the NPPF.

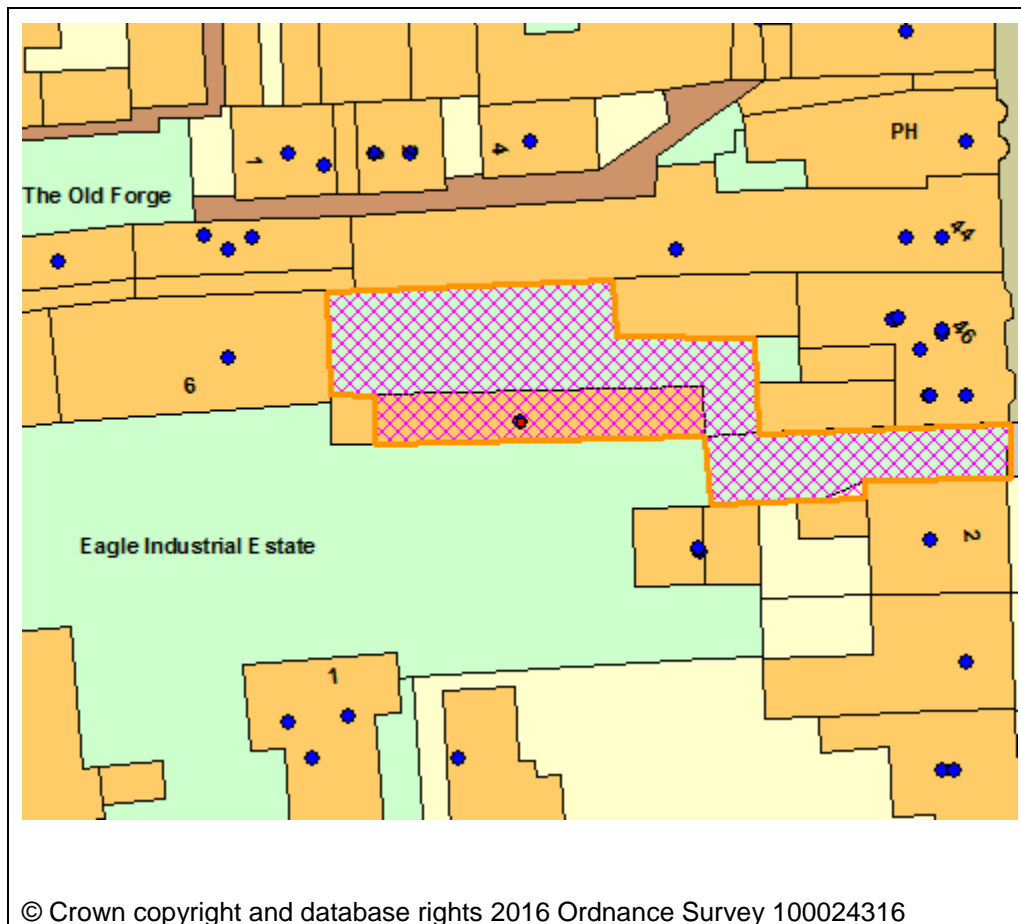
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 18th January 2023

Application Number	22/02854/LBC
Site Address	46A Market Square Witney Oxfordshire OX28 6AL
Date	18th January 2023
Officer	Esther Hill
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435538 E 209524 N
Committee Date	30th January 2023

Location Map



Application Details:

Internal and external alterations to renovate and refurbish existing outbuilding and extension to create a one and half storey three bedroom house with associated amenity area and two car parking spaces.

Applicant Details:

Mr And Mrs Jo And James Druce-Harding
15 Mill Meadow
Ducklington
Oxon
OX27 7AY

1 CONSULTATIONS

Conservation And Design
Officer

No Comment Received.

Parish Council

Mrs S Groth Witney Town Council note the comments from the technical consultees for this application, and are happy to support the proposal if the recommendations from those consultees are met. Particular attention should be paid to the SUDS strategy and suggested planning conditions from the Drainage Officer, and members request that all these recommendations are included should the application be approved.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 A planning support statement has been submitted which incorporates a Heritage Impact Assessment and Design and Access Statement. This document is available on the Council's website. The statements have been summarised and concluded as follows:

Listed Building Consent and Planning Permission has been submitted for the renovation and refurbishment, in an extended form, of an outbuilding to the rear of 46 Market Street, Witney, to provide a one and a half storey three bedroomed house. The proposal would lead to less than substantial harm to the setting of the listed former Bull Inn, but that the public benefits of the proposal would be to provide a new family house, with office space, in a highly sustainable location in the centre of Witney and put this part of the curtilage of the listed building, in a modified form, back into an optimum new and viable use.

4 PLANNING POLICIES

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks listed building consent for the renovation and refurbishment of an existing outbuilding and an extension, to create a one and half storey three bedroom house with associated amenity area and two car parking spaces at 46a Market Square, Witney.
- 5.2 The application site relates to an outbuilding known as Long Barn located to the rear, and within the curtilage of no.46a Market Square, Witney, a Grade II listed building (list entry 1213490). No. 46 was formerly known as Bull Inn and dates from early-mid C18 with C19 alterations. The Bull Inn stated to be brewery tap to Clinch and Co Brewery, the original owners and occupiers of what is now the Wychwood Brewery. Long Barn is curtilage listed, locally listed and falls within the Witney & Cogges Conservation Area. The building is a long linear free standing building running parallel to the entrance road of the Eagle Industrial Estate from Market Square. The ground floor of 46 Market Square is occupied in part by Church Green Books and by the offices of Dana Care, the upper floors of the building and its attached outbuildings are used as offices. The outbuilding which is the subject of this application has been split into three units. One unit until recently, has been used as a storage space, one unit is currently being used as a workshop and the third unit is now vacant but was used as an office.
- 5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Town Council.

Planning History

- 5.4 21/03643/FUL- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused
- 21/03644/LBC- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused
- 5.5 Members may recall the above applications, as they were refused by the Lowlands Planning Sub Committee on 19th April 2022. This application proposes an amended scheme to that previously refused. Instead of the complete demolition of the building this application seeks to retain the existing south and eastern facing stone walls. The proposed cross gable extension has been reduced in length by 30cm and there has been some minor alterations to the fenestration of the dwelling. Additional supporting information has also been submitted, relating to the viability of the existing building being used for business/commercial purposes. The applicants did not engage in Pre Application Advise prior to the submission of this amended scheme.
- 5.6 Your officers were unable to find any other planning history specifically relating to the outbuilding which is the subject of this application. However, from the Heritage Statement provided and the consultation comments received from your Listed Building and Conservation Officers, it is believed that the outbuilding was possibly a cartshed or similar with a historic association to the former Bull Inn and was converted to offices in the late 1970's.

Proposed Development

- 5.7 The proposed renovation and extension will form a single, one and half storey 3-bedroom dwelling. The proposed dwelling is on the footprint of Long Barn and has a cross gable extension, which extends out across an existing car parking area. It is proposed to remove the roof, retain the existing south and eastern facing stone walls and increase the building height to facilitate an additional storey within the new roof space. The heightened element of the southern and eastern walls would be finished in natural oak panels. The concrete tiles from the roof would be used to contribute to the construction of the proposed dwelling. The existing 1970's north facing brick frontage of the barn to the internal courtyard, with a variety of inset doors and windows, will be removed and replaced with a natural stone wall with inset wooden windows. The proposed dwelling is 1.55m taller at eaves level and 1.73m taller at ridge level than the existing Long Barn. The proposed dwelling has six roof lights on its southern elevation, which face Eagle Industrial Estate. The proposed dwelling has three windows and two doors at ground floor level and two dormer windows, a roof light, and a window at first floor level on its northern elevation. The proposed dwelling has bi folding doors and a Juliet balcony on its western elevation. On its eastern elevation the proposed dwelling has two doors and two windows at ground floor level and a dormer window and a window at first floor level. The proposed materials are natural stone, oak panels, concrete tiles, double glazed wooden windows and doors and an aluminium bi folding door. The proposed dwelling would also have associated outdoor amenity space in the form of a patio within an enclosed courtyard space. Two parking spaces are proposed and bin and cycle storage.
- 5.8 The considerations of this application are the impacts that the proposed development will have on Heritage Assets.

Design and Impact on Heritage Assets

- 5.9 Long Barn is a grade II curtilage listed building in association with no.46 Market Square, Witney. There are also listed buildings to the north and the south of Long Barn. Whilst officers note that the existing south and eastern facing stone walls are to be retained, the building is to be significantly altered and extended. Whilst Long Barn is curtilage listed it should be treated as any other grade II listed building as stated within Paragraph: 044 Reference ID: 18a-044-20190723 of government planning guidance, *all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.*
- 5.10 The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.11 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200).

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

- 5.12 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Whilst a Heritage Impact Assessment has been submitted with this application, your officers consider it to be inadequate and goes no way to looking into the historical or architectural history, fabric, character and significance of this listed building. Proposals for changes can only be informed and guided by a comprehensive understanding of the building and its locality. A senior member of PINS recently stated: *'planning decision-makers should ensure they have a "really thorough understanding" of heritage assets when handling applications, and an "honest approach" should be taken to assessing the "magnitude of harm" arising from development proposals that affect such assets'. So, the "very heart" of decision-making around such applications lies in "a really thorough understanding of what it is that we're dealing with". Once we understand "what the significance of the asset is in all its nuanced forms and where its special interest lies" then we can make an informed decision about the impact of any proposals..*
- 5.13 From the information provided, we do not know what (if any) historic fabric will be lost. There is not enough details about the installation of services, the roof, floor, windows, openings, insulation etc. An adequate Heritage statement should supply enough details in order to understand the impact of a proposal on the significance, fabric and character of the listed building (in line with Historic England's guidance: <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/>). Notwithstanding the lack of information provided, your officers have assessed the significance of this building as being its age, the buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, possibly cartshed or similar with a historic association to the former Bull Inn, its linear form and prominent location within the conservation area. The outbuilding is clearly viewed from Market Square and is considered to make a positive contribution to the character, appearance and setting of the principal listed building (inc. curtilage) and the conservation area.
- 5.14 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost by the associated domestication such as the additional windows, doors and balcony, as a result of the use change. The proposed extension into the characterful courtyard is incongruous and together with the increase in roof height, will have a transformative impact on character of the existing building. The buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, such as its form and scale will mostly be lost. The proposed form and layout of the development will not respect and build on the pre-existing historic character (and building layout). Your officers therefore consider that the proposed development would harm the significance, character, appearance and setting of the curtilage listed Long Barn. This harm is considered to be towards the higher end of 'less than substantial'.
- 5.15 The vernacular outbuilding delineates and provides historic and architectural context to its relationship to former Bull Inn and Brewery. Long Barn is of a modest scale, clearly secondary and subservient to principal listed building. The proposed extension into the characterful courtyard and its increase in height, is incongruous and it does not respect the historic curtilage, context and setting of the heritage assets, including its historic townscape context. Therefore, by reason of the increased scale of the development, its design, alterations to plan form and the residential character of the proposed works, the proposed development will have a harmful impact on the setting,

character and views out from the principal listing building 46 Market Square and neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'.

- 5.16 Your Officers have identified harm to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'. Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 5.17 In terms of public benefits, the proposed development would add a dwelling to West Oxfordshire Council housing stock within a sustainable location, however it will only be a single dwelling and therefore attracts very limited weight. Some economic benefits will arise from the construction of the development however given the scale of the development this will be limited and attracts very limited weight.
- 5.18 In light of the less than substantial harm to the higher end of the scale, which has been found to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building and neighbouring listed buildings. Your officers are satisfied, that the public benefits of the new dwelling and the economic public benefit found, would not outweigh the less substantial harm found to the grade II curtilage listed Building and the principle grade II Listed Building.

Conclusion

- 5.19 For the reasons outlined above, the scheme would fail to preserve the curtilage listed building, its features, its significance and the setting of 46 Market Square and the neighbouring listed buildings, without public benefit that would outweigh the less than substantial harm caused. The proposal is therefore judged to be contrary to the duty to Section 16 of the NPPF and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.20 In light of the above, the application is recommended for refusal.

6 REASONS FOR REFUSAL

- I. By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal will have a harmful impact on the significance, character, appearance and setting of Long Barn a grade II curtilage listed building, the setting, character and views out from the principal listing building, 46 Market Square. This harm is considered to be at the higher end of 'less than substantial' and would not be outweighed by any discernible public benefits. Consequently, the proposal is contrary to the duty to Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 16 of the NPPF.

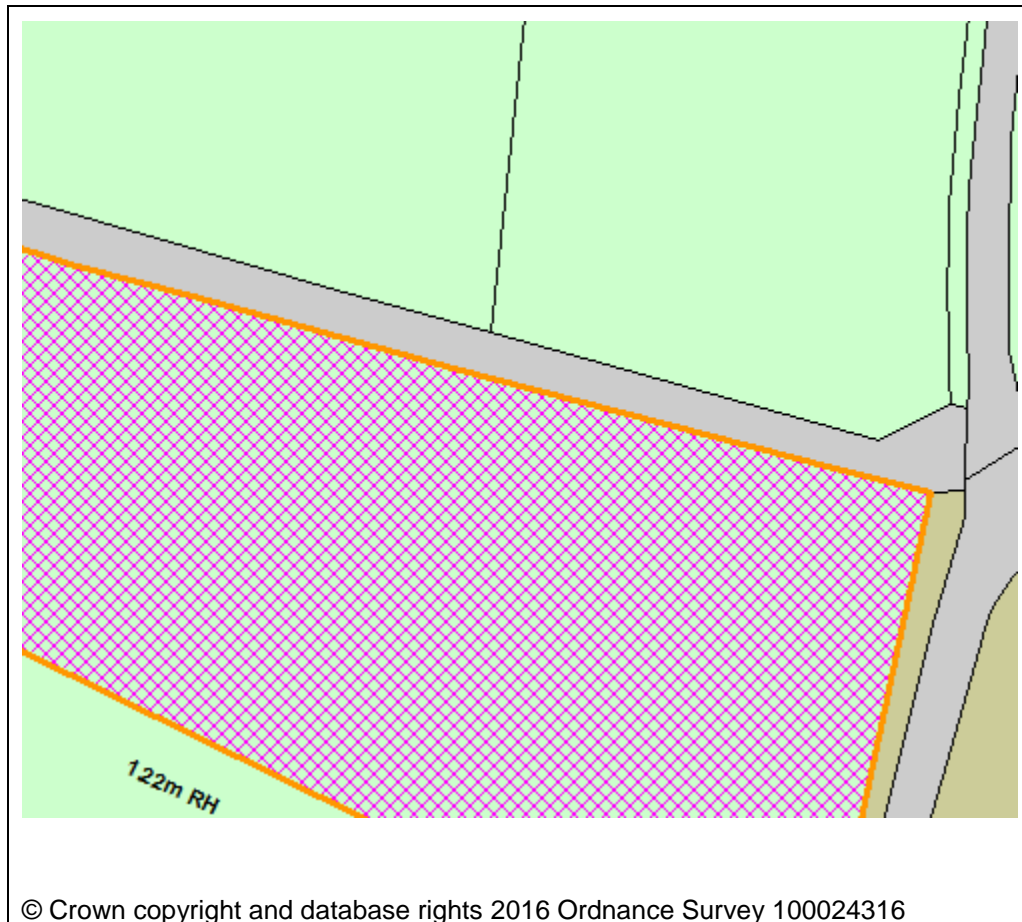
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 18th January 2023

Application Number	22/02956/FUL
Site Address	Carterton Football Club Swinbrook Road Carterton Oxfordshire OX18 1DY
Date	18th January 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427694 E 208678 N
Committee Date	30th January 2023

Location Map



Application Details:

Installation of 6 x 15m high LED lights to replace existing 20m high floodlights.

Applicant Details:

Mr Philip Godfrey
Kilkenny Lane
Swinbrook Road
Carterton
Oxon
OX181DY

I CONSULTATIONS

Parish Council	Customer made comments in support of the Planning Application
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network</p> <p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission</p>
Adjacent Parish Council	No Comment Received.
District Ecologist	Given the level of light spill permitted by the existing 20 m high flood lights, it is felt the proposed replacement at a reduced height will not result in further harm to biodiversity. Therefore, I have no objections and no further comments to make.
WODC Env Health - Lowlands	Thank you for the opportunity to comment, I have no objection in principal to this application provided the lights are installed to the institute of lighting professional guidelines.
WODC - Sports	No Comment Received.
Sport England South East	<p>Thank you for consulting Sport England on the above named application.</p> <p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.</p>

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The proposal;

The proposal is for the installation of 6 x 15m high LED lights to replace existing 20m high floodlights

Assessment;

LED lights are much more energy efficient as well as controllable, so Sport England welcomes this proposal.

I have consulted with the Country Football Association/Football Foundation who are supportive of the application.

Conclusion;

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of

Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If you would like any further information or advice please contact the undersigned at the address below.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 A copy of the covering letter submitted can be seen on the Council's website. In summary, Carterton Football Club wishes to reduce our existing Floodlight Masts from 20 metres to 15 metres. We also currently have old technology Tungsten Halogen Lighting and we wish to replace our existing floodlights with greener LED lights to reduce our Carbon Footprint for the future of the environment. (We also need to reduce our energy bills in this volatile pricing market).

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH8 Environmental protection

E5NEW Local services and community facilities

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background information

5.1 The application seeks full planning permission for the installation of 6 x 15m high LED lights to replace existing 20m high floodlights at Carterton Football Club, Swinbrook Road, Carterton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as per the scheme of delegation any application for Floodlights above 6m must be decided by the Committee.

5.3 The application site relates to an existing football club within Carterton.

5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.5 Relevant planning history:

- W93/0453 - Installation of six 20 metre floodlights to surround main football pitch. - Approved
- W96/0476 - Retention of four floodlight columns & alteration to beam angles (part retrospective) - Approved
- W98/1055 - Remove existing six training light columns and install two 15m high columns with eight lamps. - Approved
- 19/03112/FUL - Change of use to football pitch. - Approved

5.6 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
- Design
- Impact on visual amenity of the streetscene
- Residential Amenity
- Impact on Biodiversity
- Sustainability

Principle

5.7 Local Plan Policy OS2 Locating development in the right places states "that 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 and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants". Local Plan Policy EH8 Environmental Protection states that "The installation of external lighting will only be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light and the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation" Furthermore Policy E5 Local Services and Community Facilities states that "The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Officers consider that the above 3 policies are key for this proposal and that based on the information submitted for the application complies with the relevant policies and therefore the principle of development has been set. There will however need to be further assessment with regards to the design and siting, along with residential and visual amenity.

Design

5.8 Proposed is installation of 6 x 15m high LED lights to replace the existing 20m high floodlights.

5.9 The proposed 15m high LED floodlights are to be sited around the perimeter of Carterton Football Club. Two of the floodlights are to be sited to the east of the football pitch by the clubhouse. Two of the floodlights are to be sited to the south of the pitch and two to the north of the pitch. All floodlights are to be equidistant away from each other with 4 of the floodlights having 3 luminaires and 2 having 2 luminaires to ensure that the whole of the pitch is illuminated.

5.10 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which 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 soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

Impact on the streetscene

5.11 The new floodlights would be visible on the street scene however Officers consider that there are currently existing 20m high floodlights and with these newly proposed floodlights being 15m in height that resultantly there will be a lesser impact on the streetscene. Therefore the impacts to the visual amenity will be minimal and acceptable and in keeping with the streetscene.

Residential amenity

5.12 Given the nature of the 6 x 15m high LED lights to replace existing 20m high floodlights, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy. Officers have considered that the floodlights are a sufficient distance away from neighbouring properties, with the nearest dwellinghouse being 60m away. Therefore there are limited concerns with the light spill disturbing neighbouring properties. In addition, the proposed floodlights are 5m shorter which would then reduce the amount of light pollution into the area.

5.13 Additionally, no objections have been received from neighbours with concerns of the changing of floodlight provision and impact on their neighbouring amenity.

5.14 Officers have also consulted with the ERS who have confirmed they have no objection to the scheme providing the floodlights are installed to the lighting professional guidelines.

Highways

5.15 OCC Highways have been consulted on the application due to the new floodlights and whether there is an impact on the resultant highway and they have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Biodiversity

5.16 Due to the proximity of the floodlights to the Kilkenny Lane Country Park, Officers deemed it appropriate to consult with the biodiversity officer for their comments on the potential impact of the scheme on the biodiversity of the area. They have no concerns with the light spill from the 15m high floodlights considering the light spill from the existing 20m floodlights is acceptable. On this basis, the scheme is considered acceptable and complies with policy EH3 of the West Oxfordshire Local Plan.

Sustainability

5.17 A material consideration for this application is that West Oxfordshire District Council declared a climate and ecological emergency in 2019. Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. The Council are determined to lead by example and put climate considerations at the heart of all its decision-making processes, policies and plans. Officers have considered that the proposed floodlights are LED replacing the existing Tungsten Halogen Lighting

and therefore it has been considered that the floodlights have a lower energy consumption. The new LED floodlights have been considered to be a benefit to the scheme and help to achieve the climate goals and are therefore considered acceptable.

Conclusion

5.18 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, EH8, E5 and T4 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

6 CONDITIONS

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

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

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

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

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

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

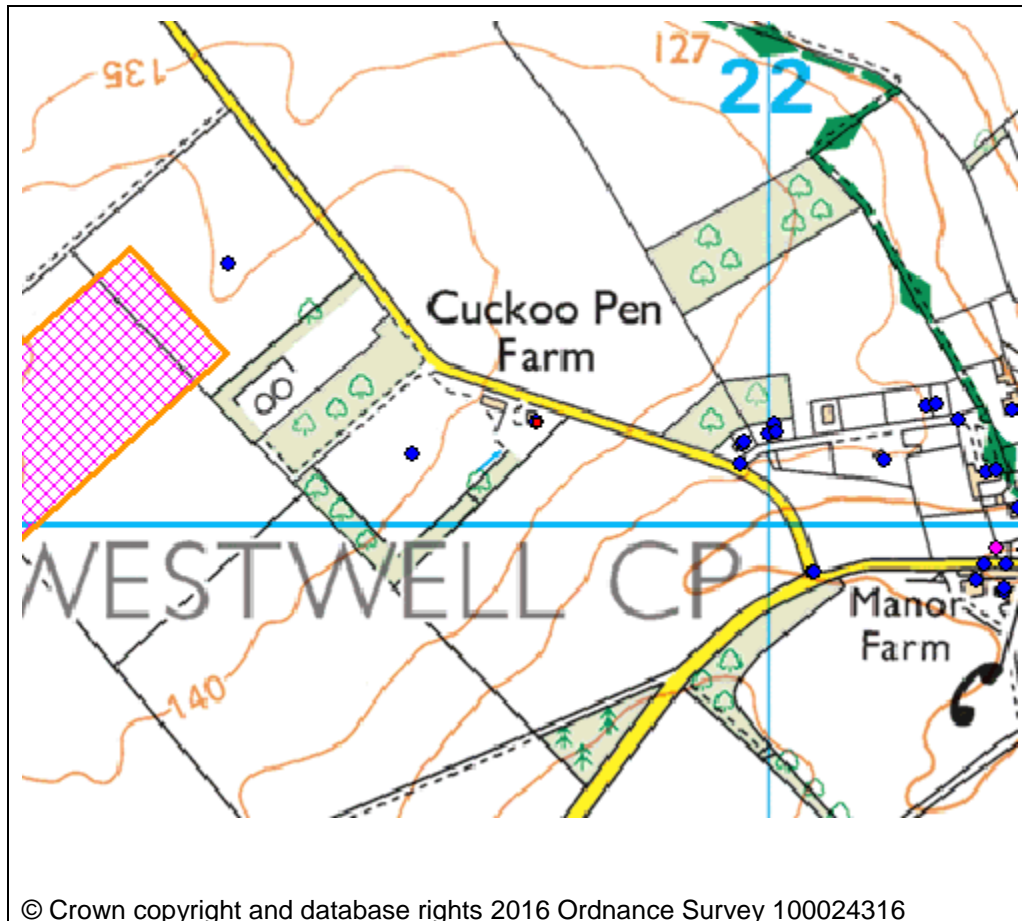
Contact Officer: Eloise Street

Telephone Number:

Date: 18th January 2023

Application Number	22/03048/FUL
Site Address	Cuckoo Pen Farm Westwell Burford Oxfordshire OX18 4JU
Date	18th January 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Westwell Parish Council
Grid Reference	421737 E 210118 N
Committee Date	30th January 2023

Location Map



Application Details:

Resiting of existing spoil mound to form associated landscaping for Tymure House.

Applicant Details:

Mr K Tyson
Cuckoo Pen Farm
Westwell
Oxfordshire
OX18 4JU

I CONSULTATIONS

Major Planning Applications
Team

No Comment Received.

Conservation And Design
Officer

No Comment Received.

WODC Landscape And
Forestry Officer

No Comment Received.

Environment Agency

No Comment Received.

WODC Env Health - Lowlands

Thank you for the opportunity to consult.

I have no objection in principle.
Mr ERS Pollution Consultation '

WODC Env Consultation Sites

I have seen the above referenced planning application on the planning portal. The information submitted with the application references planning application 20/02818/FUL. A contaminated land condition was requested for the 20/02818/FUL application but appears to have only been added in part to the decision notice. As far as I am aware we have not received any information in relation to Condition 20.

It is understood that as a result of ground excavations and construction works, a large temporary spoil mound has been created to the north of the subject site and that the spoil consists of lime brash. Review of the historical maps we hold indicate that the subject site (the origin of the spoil mound material) was used as a pig farm in the past with various infrastructure present including two large tanks. It is possible that fuels or other potentially contaminating substances may have been stored onsite including asbestos containing material (ACM) such as roofing tiles.

I have some questions in relation to the 22/03048/FUL application, would it be possible to pass these to the applicant for clarification?

1. Was a Material Management Plan in place before the stockpiled material was excavated?
2. How long has the stock pile been there?
3. Which parts of the site did the material come from and has it been tested for potential contaminants of concern to characterise its suitability for use?

Depending on the response from the applicant the following conditions may be requested.

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

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

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

Natural England No objection.

Parish Council No Comment Received.

2 REPRESENTATIONS

2.1. No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 The applicant's cover letter and design statement can viewed in full on our website. These are summarised below:

3.2 The removal of the existing spoil mound will restore high quality views running east to west across the north of the site. The creation of the new landscape form will closely follow existing natural topography.

3.3 The proposals will improve the quality of the surrounding northern landscape. It will be visually imperceptible compared with surrounding topography.

3.4 The proposed landscape feature is moderate in scale and will be discreetly sited in close proximity to the existing structures and arboriculture. It will conserve the rural character surrounding Tymure House and Owl Barn.

3.5 It is not deemed that the scale and nature of the proposed development will impact the locally valued landscape characteristics. The proposal will serve to enhance a particular characteristic of this character area which is large areas of woodland and wooded estates.

3.6 The proposal has minimal potential to exacerbate flood risk, and is acceptable in planning terms.

3.7 The proposed development is policy compliant and would not cause harm to the character or appearance of the local landscape.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

DESGUI West Oxfordshire Design Guide

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

5. PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the relocation of an existing spoil mound to form associated landscaping for Tymure House. The development of the spoil mound is underway.
- 5.2 The spoil originated from the development of the property formerly known as Cuckoo Pen Farm (a pig farm), which is now known as Tymure House (a dwelling currently under construction). The site has an extensive planning history and the following applications are the most pertinent to this current application. Permission was granted under LPA Reference 18/02394/FUL for a replacement dwelling and retention of a lodge for use as staff quarters. That application was an alternative to permission granted under LPA Reference 09/1518/P/FP. Applications 19/00477/S73 and 20/01389/S73 have since been approved to allow for the addition of a basement to the previously approved dwelling.
- 5.3 The site of the spoil mound is located between Tymure House and Owl Barn to the north west. Both Tymure House and Owl Barn are under the same ownership.
- 5.4 The site does not fall within any areas of special designated control.
- 5.5 The application is before the Lowlands Area Planning Sub-Committee as the proposal is 'major development'.
- 5.6 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:
- Siting, Design and Landscape Impact;
 - Residential Amenity; and
 - Other Matters

Siting, Design and Landscape Impact

- 5.7 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding.
- 5.8 Policies EH2 (Landscape character) states 'new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape'.
- 5.9 The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve. Section 12 of the NPPF explains that decisions should ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting (para 130c) and development that is not well designed should be refused, especially where it fails to reflect local design policies (para 134).

- 5.10 The plans show the spoil is placed to form an undulating feature with one separate mound to the south east and a longer, undulating mound running broadly north east to south west. The longer mound includes five separate peaks. The plans show the spoil mound will result in increases above the existing ground level to a maximum of approximately 5.5m. The new raised ground levels will not be particularly visible from the B4425 Bibury Road or from local roads and there are no footpaths affected.
- 5.11 The submitted cover letter surmises that the new landscaping 'will be visually imperceptible compared with surrounding topography'. Officers do not agree with this standpoint. The existing topography in the immediate area, while undulating and occasionally sloping, does not have such pronounced land level changes as is proposed. Rather than being imperceptible, it will be a noticeable change in the area. While it will be an apparent and noticeable change in levels that does not mean the development is harmful to the landscape character. Particularly as views of the development are localised, as are the impacts.
- 5.12 In regard to the impact to Owl Barn, officers acknowledge that the mound is in close proximity to the barn and would be commensurate with the ridge line of the barn at its highest point. It is not uncommon for barns to be located in such settings. As such, the proposal is not considered to be harmful to the setting of the barn either.
- 5.13 Officers are satisfied that the development will appear as an appropriate addition that forms a logical complement to the existing scale and pattern of development in the area which does not result in landscape harm. The proposal is therefore considered to comply with policies EH2, OS2 and OS4 of the adopted West Oxfordshire Local Plan and the NPPF in that regard.

Residential Amenity

- 5.14 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.
- 5.15 With regard to the impact on neighbouring amenity, officers consider that due to the siting and scale of the proposed landscaping in relation to the neighbouring dwellings, , that no harmful impact will result upon neighbouring occupiers by way of overbearing, overshadowing or loss of light. Officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with Polices OS2 and OS4.

Other Matters

- 5.16 Officers note the comment from the land contamination officer suggesting conditions securing a desk study to assess the nature and extent of any contamination and a remediation scheme if necessary. However, the spoil is a product of the development of Cuckoo Pen Farm. Condition 20 of the planning application covering the development of the basement (20/02818/FUL) only requested a remediation strategy if 'significant contamination is found'.
- 5.17 The agent explained that while undertaking the works approved under 20/02818/FUL, no significant contamination was found. As such, a remediation scheme was not required. As the spoil mound has already been subject to a contaminated land condition and could be disposed of. Officers do not

consider that further conditions relating to the possibility of the spoil being contaminated to be reasonable.

- 5.18 Some planting is shown in the submitted details. However, they lack detail or clarity. As such, a comprehensive scheme for landscaping of the mound is required to ensure it integrates successfully into the surroundings and to ensure biodiversity net gain is achieved.

Conclusion

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

6 CONDITIONS

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

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

2. Within 18 months of the date of this decision, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include biodiversity enhancements (such as tree, grassland and shrub planting) and a 10-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes.

The entire landscaping scheme shall be completed within 3 years of the date of this decision and shall be retained as such thereafter.

REASON: To ensure that the development integrates into its surroundings and to ensure biodiversity is protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policies EH2 and EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

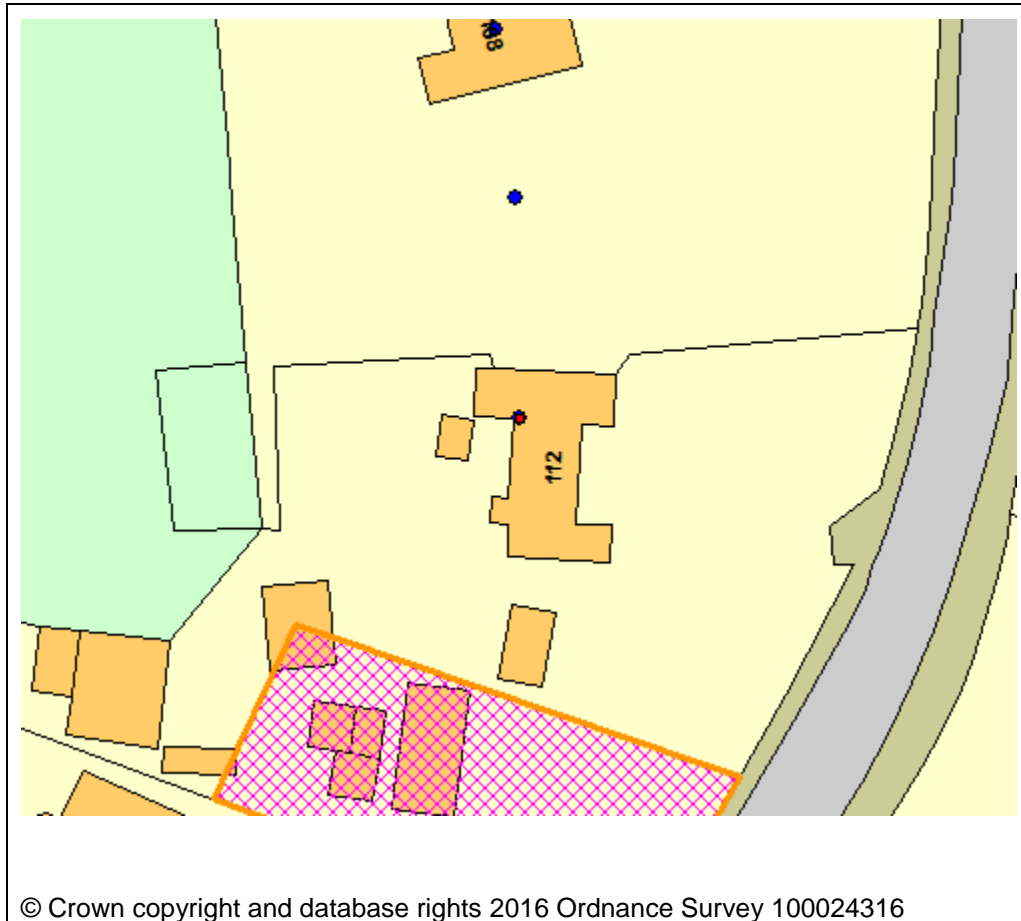
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 18th January 2023

Application Number	22/03152/FUL
Site Address	112 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	18th January 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431200 E 210155 N
Committee Date	30th January 2023

Location Map



Application Details:

Erection of a detached dwelling and associated works

Applicant Details:

C/o Agent

GL56 0GS

I CONSULTATIONS

Parish Council

The Parish Council Strongly Objects to the above Application for the following reasons:

OS4 - High Quality Design

1. In comparison with the linear layout of the properties along the Brize Norton Road, particularly the properties at 116 and 118 Brize Norton Road, the proposed property is too far forward on a large plot and the Parish Council request that the dwelling is positioned further back on the plot from the Brize Norton Road. Most properties along the Brize Norton Road have generous gardens even with parking and this proposal is unnecessarily cramped.
2. The plot shape and size is over-developed and out of proportion because the plot is too small for the size and scale of the property, compared to the recently approved property 22/02408/FUL which has a more generous plot size and location.
3. The car park turning point is poorly designed and not in keeping with the linear street scene along the Brize Norton Road which is protected as a Non-Designated Heritage Asses under policy OS 2 of the West Oxfordshire Local Plan. There is no front garden as a result of the car parking spaces and turning point taking up most of the space. This is not in keeping with the street scene. The bin collection point erodes the street scene and the Parish Council would like to see this set further back in a less obtrusive point.

Transport Access

1. The road is very narrow at the point of a new access and vehicles will have difficulty accessing and egressing the site. The access is directly opposite that of another property access and is therefore not an appropriate site for a new access.
2. Paragraph 3.6 of the Design and Access Statement advises that 'the current dropped kerb crossover will be replaced by a new junction'. There is no dropped kerb at this location and no existing access to the site. The location for

this junction is on a dangerous and hazardous point of the Brize Norton Road where many recent accidents have taken place. If this access is used, it should be for only one dwelling.

Visual Street Scene Impact

- I. By virtue of its position on the plot and orientation, it has an over-bearing impact on neighbouring properties opposite the proposed site, particularly on the Primitive Methodist Church and neighbouring properties directly opposite.

Please take these objections into consideration when determining this planning application

OCC Highways

28/11/2022

The submitted proposed site plan shows vision splays at the access. Visibility to the south is shown as 2.4 x 43m but outside of the red edged application area and crossing 3rd party land. According to the plan the visibility measures only 2.4 x 10m which is unacceptable.

14/12/2022

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

Recommendation:

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

- G28 parking as plan
- G11 access specification, inc vision splays as plan
- G32 turning facility

INFORMATIVE

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

16/01/2023

The detail shows the access to be suitable for the development

WODC Drainage Engineers No Objection subject to conditions

WODC Env Health - Lowlands Thank you for the opportunity to consult.

I have no objection in principle to the application but would ask for the following conditions to be attached to any consent given.

1. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.'

2. The acoustic design of the new residential unit shall accord with the internal and external noise design criteria specifications of BS 8233:2014.

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. From review of the information submitted with the application there appears to be a number of areas where items have been stored, including an old oil drum. Please could the applicant confirm if any fuels or other potentially contaminating substances have been stored at the property? Depending on the response the following condition may be appropriate to add to any grant of permission.

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

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

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

2 REPRESENTATIONS

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

Six third party objections received (from three addresses). Summarised as follows:

I. Design;

2. Layout;
3. Overdevelopment;
4. Different to recently approved property 22/02408/FUL to the north;
5. Car parking;
6. Access;
7. A Demolition Management Plan should be submitted for consideration in the interests of public health and safety;
8. No access exists for the site; and
9. Requires conditions relating to working hours, interruptions to utilities/services, deliveries, parking, and the Considerate Constructors Scheme.

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 The design philosophy extends to providing a sympathetically designed development which positively integrates into the existing surroundings.

3.3 The design process has guided the scheme to a conclusion which integrates successfully with the surrounding built form.

3.4 The impact upon the amenities of the occupiers of neighbouring residential dwellings is not harmful in terms of loss of outlook, light and privacy by way of the siting, scale and design of the proposed properties.

3.5 In light of the above it is considered that the scheme is viable and accords with relevant policies and standards set both locally and nationally. Therefore, we consider that this development should be supported and endorsed by granting planning permission.

4 PLANNING POLICIES

H2NEW Delivery of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH16 Non designated heritage assets

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5. PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of a detached dwelling and associated works at 112 Brize Norton Road, Minster Lovell. The application site is to the south of 112 Brize Norton Road with the new dwelling proposed to be sited between 112 and 116 Brize Norton Road. A new dwelling was recently approved to the north of 112 (22/02408/FUL).
- 5.2 The application site falls within a part of Minster Lovell, which is a former Chartist settlement established in the mid C19. Given the history of the settlement it is considered to be a non-designated heritage asset (NDHA). This view has been supported by the Planning Inspector of appeal reference APP/D3125/W/18/3211732 where they state:
- 5.3 The village of Minster Lovell was originally a Chartist settlement called Charterville where residents would live in houses with plotlands, or smallholdings, supporting themselves. As a result, the settlement pattern of the village is an important and significant physical feature and can be seen clearly on maps of the village. The Council consider that due to its history, relative rarity and the fact that many of the undeveloped plots that show the original layout of the village remain intact; the entire settlement is a non-designated heritage asset. This is a conclusion with which I agree, the significance being derived from the features described above.

Relevant Planning History

Development site

22/02408/FUL: Erection of a detached dwelling and associated works. Approved 21.10.2022

22/00885/FUL: Demolition of existing dwelling and erection of four new dwellings together with associated works including closing of existing vehicular access and formation of new in revised position. Withdrawn 09.08.2022

Bennetts Yard to the North

21/01320/OUT: Outline Planning Application (with some matters reserved) Erection of 6 dwellings with off-street parking and associated amenity. Refused 19.07.2021

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

- Principle of Development;
- Siting, Design and Form;
- Heritage Impacts;
- Residential Amenity;
- Highways; and
- Other Matters

Principle of Development

- 5.5 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.
- 5.6 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (referred to as Salt Cross) and then the Villages as listed in OS2.
- 5.7 Minster Lovell is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.
- 5.8 The application proposes the demolition of several small existing outbuildings serving 112 Brize Norton Road and the erection of a dwelling. The development site is a mix of previously development land (outbuildings) and undeveloped land (the land not covered by outbuildings). Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages..... 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'. Local Plan Policy H2 also states 'new dwellings will be permitted at the main service centres, rural service centres and villages..... 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'.
- 5.9 As Local Plan Policy H2 supports the erection of a dwelling in this location whether the land is previously developed or undeveloped, the proposed development is therefore supported in principle.
- 5.10 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.
- 5.11 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged).

5.12 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.

5.13 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 development proposed.

Siting, Design and Form

5.14 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve. Section 12 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.15 The new dwelling would be erected between 112 and 116 Brize Norton Road. The proposed dwelling would have strong relationship with 112 as it would continue the existing linear pattern of development, albeit slightly staggered. However, the new dwelling would be erected approximately 10m to the east of 116 Brize Norton Road (at its nearest point) and as such, it would not form a formal linear arrangement with 116, instead it would be quite staggered. While that is the case, the staggered arrangement proposed is not uncommon on Brize Norton Road. Indeed, the relationship between the new dwelling and 116 is replicated in several locations along the road. Such as between 94 and 96; between 85 and 87; and between 89 and 91. Indeed, the host dwelling (112) already shares a staggered relationship with 116. The new dwelling erected between these dwelling, while staggered, will reinforce the dominant existing linear but also staggered pattern of the development in the area.

5.16 The design of the dwelling itself is of a traditional vernacular form and is identical to the dwelling already approved to the north of 112 (22/02408/FUL). It has a dual pitched roof design, a projecting rear gable element and two dormer windows to the front and rear of the dwelling. In terms of scale, the footprint and ridge height of the proposed dwelling are comparable to neighbouring properties, the closest being 112. The proposed materials are pantile roof tiles, recon stone and uPVC windows. The proposed materials are acceptable and would be secured by condition to match those already approved for the new dwelling to the north of 112 to ensure cohesiveness overall appearance.

5.17 Officers consider that the proposed dwelling will appear as an appropriate addition that forms a logical complement to the existing scale and pattern of development. The proposal is therefore considered to comply with policies OS2 and OS4 of the adopted West Oxfordshire Local Plan.

Heritage Impacts

5.18 The Chartist settlement of Minster Lovell, within which the proposal site is located, is a non-designated heritage asset and the site is within 100m of 4 Grade II listed Chartist bungalows, no. 81, 87, 98 and 104 Brize Norton Road.

Non-Designated Heritage Asset

5.19 Paragraph 203 of the NPPF states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

5.20 Policy EH16 of the Adopted West Oxfordshire Local Plan states *When considering proposals that would affect, directly or indirectly, non-listed buildings, nonscheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development. Proposals will be assessed using the principles set out for listed buildings, scheduled monuments and Registered Historic Parks and Gardens in Policies EH11, EH15 and EH14.*

5.21 The significance of the non-designated heritage asset is described by the Planning Inspector below:

5.22 *The village of Minster Lovell was originally a Chartist settlement called Charterville where residents would live in houses with plotlands, or smallholdings, supporting themselves. As a result, the settlement pattern of the village is an important and significant physical feature and can be seen clearly on maps of the village. The Council consider that due to its history, relative rarity and the fact that many of the undeveloped plots that show the original layout of the village remain intact; the entire settlement is a non-designated heritage asset. This is a conclusion with which I agree, the significance being derived from the features described above.*

5.23 As assessed above, officers consider that the positioning and orientation of the proposed dwelling would be in keeping with the existing pattern of development. The proposed residential curtilage is also in line with the new dwelling approved to the north of 112 along with 112 itself and 108. As such, the plot size, shape and layout is clearly commensurate with dwellings in the area.

5.24 The design and the one/one and a half storey scale of the buildings within the settlement, also contributes to the significance of the heritage asset. The design and scale of the proposed dwelling is considered to logically compliment and preserve the character of the locality. Officers therefore consider that the proposed dwelling would not give rise to any harm to the significance of the non-designated heritage asset. The proposal is therefore considered to comply with Policy EH16 and the NPPF in that regard.

Listed Buildings

5.25 The proposed dwelling is to be sited within 100m of 4 Grade II Listed Buildings. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving

the buildings, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 5.26 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.
- 5.27 With regard to the impact on the neighbouring listed buildings, given the scale, siting and design of the proposed dwelling and its separation distances to the neighbouring listed buildings, the proposal is not considered to be harmful to the settings of these existing neighbouring listed buildings. The proposed development would conform to policies EH9 and EH11 of the Local Plan, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF.

Residential Amenity

- 5.28 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.
- 5.29 With regard to the impact on neighbouring amenity, officers consider that due to the siting and scale of the proposed dwelling in relation to the neighbouring dwellings, the siting of proposed openings and separation distances, that no harmful impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing, overshadowing or loss of light. Further, the proposed dwelling would provide adequate internal and external living conditions for future occupiers. In light of this assessment, officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with Policies OS2 and OS4.

Highways

- 5.30 The plans show an existing gated access is to be used. Officers visited the site and did not see an existing access. As such, a new access is required. While that is the case, the new access would be created in a residential area subject to a 30mph speed limit and OCC Highways raised no objections in regards to highways safety and convenience (subject to conditions) to the development. Furthermore, a turning area and room to park at least two vehicles is proposed. Thus, the proposed dwelling has a suitable access for all users and sufficient parking is proposed. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; as well as Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

Other Matters

- 5.31 Bat droppings identified as Pipistrelle bat droppings were found within the roof space of the existing bungalow. No signs of bats were found in or around the outbuildings on the site. No works are proposed to the bungalow, and as such, the bat roost will not be affected by the scheme.
- 5.32 Considering the outbuildings to be demolished and their unknown use, the precautionary land contamination condition suggested by ERS officers will be applied.
- 5.33 A pre-commencement surface water condition will be applied to ensure the site is adequately drained.

- 5.34 Officers have considered the Parish Council and neighbour objections. The scale of the proposed dwelling, including its ridge height is comparable to other dwellings within the immediate locality and is therefore considered to be acceptable and would not have a harmful impact on the visual amenity of the streetscene.
- 5.35 The impacts of the development on the non-designated heritage asset and the neighbouring listed buildings, have been carefully assessed and fully explained above. Officers have concluded that the proposed development would not have any harmful impacts on these heritage assets or their settings.
- 5.36 Officers note highway safety objections. However, OCC Highways have been consulted on the proposed access arrangements and consider them to be supportable, subject to conditions. As the relevant specialists, their opinion carries significant weight.
- 5.37 Neighbouring amenity has also been carefully assessed. However, given the separation distance to the neighbouring properties to the east, officers do not consider that the proposed development would give to any overlooking or loss of privacy issues that would warrant the refusal of this application.
- 5.38 Officers note the requests for restricting operating hours, managing construction traffic and that neighbouring properties are notified in advance of all planned interruptions to utilities/services. Given the scale and nature of the development, officers do not consider it reasonable to apply a conditions to the consent relating to these issues. However, officers have included an informative to the consent advising the applicant to be mindful of the amenity of the neighbouring properties during the construction of the development and that neighbours should be notified in advance of all planned interruptions to utilities/services.
- 5.39 A Demolition Management Plan is not required as the buildings are modest in size. Also, as some contain asbestos, the demolition is controlled by other legislation and must be completed by a specialist contractor.

Conclusion

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

6 CONDITIONS

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

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

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

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

3. The materials to be used in the construction of the dwelling hereby approved shall match those used in the construction of the new dwelling to the north of 112 Brize Norton Road as approved under applications 22/02408/FUL and 22/03055/CND and shall be retained as such thereafter.

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

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

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

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

REASON: To ensure a safe and adequate access.

7. No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable two vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

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 carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.
- Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on the existing hardstanding;
 - At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the western elevation wall of the new building;
 - At least 3 no. swift bricks to be integrated / built-in to the western elevation wall of the new building at 1 metre intervals and in accordance with Swift Conservation advice <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> ; and
 - Supplementary planting of existing hedgerows using at least 5 native and local provenance trees/shrubs that are locally characteristic to the area from the following list: Hawthorn, Blackthorn, Hazel, Field maple, Dog and/or Field rose, Elder, Spindle, Wild privet, Holly, Honeysuckle and Wych elm.

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

10. 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 and to accord with Local Plan Policy EH8 and Section 15 of the NPPF.

INFORMATIVES :-

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

- 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).

- The amenity of neighbouring properties should be considered during the construction of the development and neighbours should be notified in advance of all planned interruptions to utilities/services.
- 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)
- Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers

- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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

Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 18th January 2023