

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 27th March 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.

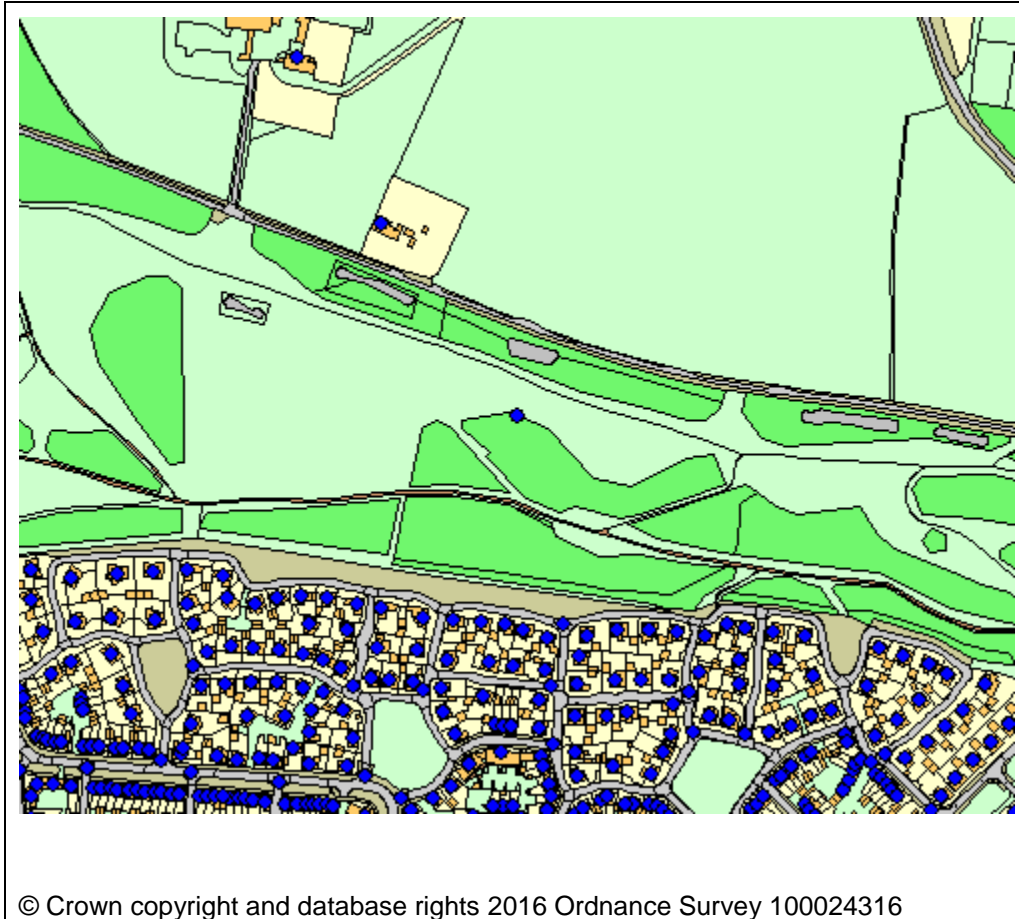
Please note that:

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

Items	Application Number	Address	Officer
Pg 17-33	22/01593/FUL	Kilkenny Lane Country Park Elmhurst Way	Elloise Street
Pg 34-47	22/03232/FUL	Filkins Methodist Chapel Filkins	Esther Hill
Pg 48-53	22/03233/LBC	Filkins Methodist Chapel Filkins	Esther Hill
Pg 54-78	22/03370/FUL	Land West Of Colt House Aston Road	David Ditchett
Pg 79 -112	22/03544/OUT	Land South Of Main Road	David Ditchett
Pg 113-118	23/00291/FUL	Carterton Football Club Swinbrook Road	Elloise Street

Application Number	22/01593/FUL
Site Address	Kilkenny Lane Country Park Elmhurst Way Carterton Oxfordshire
Date	15th March 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	428452 E 208466 N
Committee Date	27th March 2023

Location Map



Application Details:
Extension of car park.

Applicant Details:

Mr Chris French
Kilkenny Country Park Car Park
Elmhurst Way
Carterton
Ooxn
OX18 1EY

I CONSULTATIONS

Parish Council

Comment received 12.07.22

Thank you for inviting Brize Norton Parish Council to comment on the above planning application. However, before doing so, the PC would respectfully bring to your attention that Kilkenny Lane Country Park including the proposed car park area, the length of Elmhurst Way which runs parallel to the country park and the allotments on the south side of the road are all within the Parish boundary of Brize Norton. For your reference, we have attached a map of the Parish Boundary which also acts as the designated area for our emerging Neighbourhood Plan. Brize Norton Parish Council formally requests that your records and all references to Kilkenny Lane Country Park are updated to reflect its correct location. These include your consultation letter dated 22/06/2022 and the associated Planning Statement.

Parish Councillors have reviewed the documentation associated with Planning Application 22/01593/FUL for the proposed Kilkenny Lane Country Park car park extension and comment as follows:

We are pleased that the car park has been planned in such a way to avoid impacting the of area higher ecological value as detailed in Rachel Crookes email. However, we note that the new car parking spaces, where not on original tarmac, are formed by using compacted stone. The PC would strongly recommend the use of 'Grasscrete' as this offers a much higher degree of permeability. For your reference, this treatment is being used for the new car park which will serve the allotments in Brize Meadow.

We also recommend that as a minimum, car parking spaces 1 and 2 should be provided with EV charging points. This would support the WODC objectives to provide EV charging points in all Council owned car parks and align with Policy T1, Sustainable Transport. There is a toilet block adjacent to these parking spaces which has a 240volt supply into it.

Comments Received 22.08.22

Following on from our previous response regarding the above planning application, and as this application hasn't gone before the

Planning Committee yet, if possible, Brize Norton Parish Council would like to make an additional comment as follows:

The Parish Council has received comments about some of the proposed parking spaces (8) encroaching onto grassland of higher ecological value. Having revisited site, we note that the grassland to the west of the toilet block, which is of a lower ecological value, has not been taken into account as a parking area.

The Parish Council would like to suggest that if the car park was to be redesigned, taking into account the land to the west of the toilet block, potentially all of the 51 parking spaces which includes the eight which are currently on the higher value land, could be constructed on either the original tarmac area or grassland of a lower ecological value.

Our original comments regarding the use of a material of higher permeability for new parking areas and EV charging points (which would be easier now as these could be mounted on the rear of the toilet block) still form part of our response.

District Ecologist

29.07.2022 Whilst the efforts to limit impacts on ecology are appreciated, the application to extend the car park will still impact on areas of high quality grassland, based on evidence provided by the applicants.

I recommend that a calculation using the Biodiversity Net Gain metric 3.1 is carried out to quantify the mitigation therefore required in line with government guidance. There may be scope to enhance other areas within the country park in order to achieve 10% net gain in line with the requirements of the Environment Act 2021.

There may also be impacts on habitat and features suitable for protected species. The disturbed context makes the presence of species such as great crested newt and reptiles less likely. Nonetheless there is a risk during construction in particular exists and is not addressed in the application. A Construction and Environmental Management Plan is recommended to be provided as a condition to the application, to include measures such as:

- engage a suitably experienced ecologist to advise on the works
- cover any excavations overnight to prevent wildlife entering and becoming trapped
- search the area prior to works to check for protected species. If, for example, a badger sett is found then works must stop and a license from Natural England may be required.
- for works affecting scrub or trees, either avoid the nesting season (March to August incl.) or have an ecologist check the area for nesting birds prior to works. If a nest is found

then a 5m buffer for works would typically be required until the chicks have fledged.

This document could also be the means by which measures to enhance habitat to enable Biodiversity Net Gain to be achieved can be identified for subsequent inclusion within management recommendations for the Country Park as a whole. Additional ecological enhancement opportunities such as the creation of brash / rubble piles suitable for use by reptiles, amphibians and other wildlife can also be included.

WODC Landscape And Forestry Officer

15.07.2022 I've asked Rachel Crooks if she knows much about the proposal because she commented on some pre-app stuff re biodiversity and there are a couple of objections relating to this aspect on the website. At first sight, it just looks like a straightforward extension to a fairly non-descript car park but WODC, as land managers and applicants, might want to consider a layout that is more sensitive to the biodiversity aspects as well as public amenity and the sustainability issues raised. There looks to be scope to achieve this, if there is an appetite to look at this by our Estates Team.

Parish Council

13.02.2023

Thank you for inviting Brize Norton Parish Council to comment on application.
22/01593/FUL - Kilkenny Lane Country Park, Brize Norton.
BNPC fails to understand why the car park still encroaches into the country park, albeit far less than the previous proposal, when there is a land area on the west side of the toilet block which is of low ecological value and is large enough for the additional parking. Likewise, the Parish Council is very disappointed that despite the fact that there is an existing building with a power supply in the car park, even the most basic car charging points have not been included. However, at this stage, the Parish Council is willing to take a pragmatic view to the latest proposed layout and therefore does not object to this application so that the car park can be constructed at the earliest possible opportunity.

Adjacent Parish Council

No Comment Received.

OCC Highways

07.02.2023

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

Recommendation:

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

WODC Drainage Engineers

15.02.2023

It is unclear how the car park would be drained, as a s/w drainage strategy has been submitted which would no longer apply. It suggested sub-base attenuation prior to a restricted discharge to a sewer in the road, which than discharges to a watercourse via an existing outfall. However, a revised layout plan has been submitted which indicates all roads to be tarmacked now, so this is no longer possible. In addition, ownership of the sewer in Elmhurst Way is not stated (it is not shown on the Thames Water map) - is it OCC Highways ? Consent would be needed from them if this is the case.

Referring to the submitted drainage strategy, any discharge from the site should be restricted to a rate as close to existing Q_{bar} as possible. The Micro-drainage calculations indicate existing Q_{bar} as 0.5l/s, but a discharge rate of 2.0 l/s is proposed.

It is stated that soakage tests proved zero to no infiltration (hence the proposal to discharge off site), although the results in 2 of the trial pits were 1.1×10^{-5} m/s and 5.4×10^{-6} m/s, which would be suitable for infiltration. Why is none of the road surface and fewer of the parking bays now proposed as permeable? I'm not clear why the disabled bays are specifically being proposed with tarmac surfacing.

The letter from Go Property Consultancy dated 14th December 2022 refers to the previous layout plan (Revision A) which included the porous roads etc., but there is no subsequent letter uploaded to the public portal (or Uniform) that refers to Revision B, with the tarmacked roads. No subsequent explanation is given for the reduction of permeable area proposed.

No petrol interceptor/pollution control has been proposed for the latest scenario.

In accordance with SUDS hierarchy, infiltration should initially be considered for the disposal of surface water and the area of permeable construction should be maximized where possible. Soakaways should be designed to withstand a 1 in 30 year + 40% climate change event, with a minimum 1m clearance between the base and water table at all times.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event without building flooding.

District Ecologist

21.02.2023

The proposed plans have adequately addressed my previous concerns and therefore, I have no objections to the proposed development.

A suitable landscaping scheme should be secured to ensure all plant species, species' establishment and future management is implemented to secure suitable biodiversity enhancements for the area. In addition, a suitable CEMP should be prepared to prevent degradation to the high quality grassland habitat identified to the east of the proposal. Furthermore, WODC's precautionary method of working document will need to be adhered to, ensuring protected/priority species are safeguarded from the development. It is not clear if the applicant wishes to install external lighting. Any and all external lighting should be sensitively designed to prevent light spill towards features that could be exploited by nocturnal wildlife

Parish Council

09.01.2023

CAR PARK LOCATION

Brize Norton Parish Council does not object to a car park extension which will be most welcomed, and is pleased that it is now almost removed from the land area of high value ecological value.

However, following an on-site meeting, Councillors are extremely concerned that the proposed car park extension not only encroaches into the fenced off area which defines the country park, it actually goes right up to the main foot/cycle path which goes around the perimeter of the park as well as the entrance path up to the play area. These paths are used by families, walkers, dog walkers and cyclists and as such, is an extremely busy area, especially at weekends and school holidays. With no safety buffer zone between the paths and car movement areas, Councillors consider that this will present a high risk to the public, especially young children.

The number of car parking spaces inside the country park boundary can be accommodated within the land area of low ecological value on the west side of the toilet block and therefore no encroachment into the country park would be required to accommodate additional parking spaces.

CAR PARK MATERIALS

The Parish Council is pleased to note that 'plastic grid' is now proposed which is an alternative to 'grasscrete'.

EV CHARGING POINTS

Despite WODC's Climate Change Strategy which commits to: "Delivering EV infrastructure across the

district, at sites in Council ownership, meeting the policy ambitions and standards set out within the Oxfordshire EV Infrastructure Strategy and aspires to reach a target of 7.5% of local-authority managed car-parking spaces providing EV charging by 2025", the Parish Council is disappointed that the updated proposal still does not include any EV charging points. We would bring to your attention that there is a new toilet block in the car park which will have as a minimum, a 60/100 amp single phase supply which, subject to an electrical survey, would provide sufficient capacity to supply two "fast charge" 7kw EV charging points.

With the above comments in mind, Brize Norton Parish Council objects to this planning application on the grounds that the proposed car park layout will not provide acceptable levels of public safety, especially for children.

District Ecologist

10.01.2023

I am pleased to see the applicant has re-designed the proposed car park extension to reduce direct impacts to the grassland habitat to the east of the development. However, it does not appear that the applicant has considered the point raised by the Biodiversity and Landscape officer regarding indirect impacts such as run-off which will be permitted by the removal of the bund. Further, current plans will allow for visitors to park parallel to the proposed timber knee rail fencing increasing the likelihood of polluted surface run-off reaching the grassland habitat. To overcome this issue, I would suggest further revisions to the proposed plans, including the removal of parking space number 25, moving the proposed new pavement to the rear of the parking spaces 26-40, enabling visitors to park their cars from the existing access road instead of creating a new road adjacent to the grassland habitat, and moving the proposed bike racks to the south of the existing WC block. This will provide a larger buffer between the parked cars/access road and the high quality grassland habitat whilst permitting pedestrians to safely access the park.

If the case officer is minded to approve this application I would recommend a CEMP and a landscaping condition to ensure construction and operational phases safeguard and enhance biodiversity.

WODC Landscape And Forestry Officer

No Comment Received.

Adjacent Parish Council

No Comment Received.

OCC Highways

21.12.2022

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

Adjacent Parish Council

No Comment Received.

WODC Drainage Engineers

15.07.2022

The application submission includes a drainage strategy document produced by IDS which is dated June 2022. Subject to the drainage works being constructed as per the details included in that document I have no objections to make and there will not be a need for a drainage condition.

OCC Highways

28.06.2022

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

Recommendation:

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

2 REPRESENTATIONS

2.1 All comments below are in relation to the scheme submitted to the Lowlands Planning Committee on 10th October 2022.

There have been 2 comments of support from 3rd party consultees to which their comments have been summarised as per below:

- Extra car parking is needed, the extra parking will stop as many cars parking on the roads
- Highway safety will be improved and no habitats will be destroyed

There has been 1 general comments from 3rd party consultees to which their comments have been summarised as per below:

- Agree in principle with the increased parking
- Would like consideration of wild flowers to be taken.

There have been 2 comments of objection from 3rd party consultees to which their comments have been summarised as per below:

- Wild Orchids should be preserved over a car park
- Concerns with the loss of grassland and the climate emergency.

2.2 There have since been 2 objection comments from the same commenter on 20th December and 3rd February to both newly revised schemes with the details of the comments below:

- Concern with the ecological value area and a promotion of car use in this area.
- No public transport in the area and no cycle paths proposed.

3 APPLICANT'S CASE

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

The 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.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

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 extension of a car park at Kilkenny Lane Country Park, Elmhurst Way, Carterton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is on behalf of Publica and the application was called in by a Councillor to be determined by the committee should it be approved.

5.3 The application was brought forward in front of the Members of the Lowlands Area Sub Planning Committee on 10th October 2022 in which the application was deferred to allow Officers explore points Members raised with regards to the application in which they are detailed below:

1. Costs of materials
2. Disabled parking spaces (location and method of construction)
3. Bike parking numbers
4. Biodiversity
5. EV charging points
6. Reduction of parking spaces

5.4 The application site relates the Kilkenny Lane Country Park which is located within the boundary of Brize Norton Parish but falls to the north of Shilton Park.

5.5 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.

5.6 Relevant planning history:

- W97/0843 - Residential & employment development, including shopping, primary school & community facilities access roads, footpaths & cycleways; open space including playing field & country park, new a40 carterton link road. - Approved with conditions
- 08/1020/P/FP - Construction of car park to serve carterton country park with associated access and landscaping. - Approved with conditions

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
- Siting and Design
- Residential Amenity
- Highways
- Drainage
- Landscaping and Ecology
- Other Matters

Principle

5.8 Local Plan Policy E5 (Local services and community facilities) states: "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".

5.9 Kilkenny Lane Country Park is a well-regarded local community facility which is managed by West Oxfordshire District Council. The Country Park is set within 21 hectares of land with 2.5km of footpaths and childrens play areas along with many other uses. The current car parking facilities are proving to be inadequate to meet the demand at peak times. There has been instances of cars parking on the highway on the bend and restricting visibility for other highway users. Your Officers have considered that the justification for the additional car parking provision has been sufficient and is looking to improve the community facility with the increased amount of spaces to improve highway safety and encourage further people to visit and therefore the proposed complies with Local Plan Policy E5.

5.10 As such the development is supported in principle subject to further assessment in regards to the design, residential amenity, drainage, impact on highways, landscaping and ecological impact.

Siting and Design

5.11 Proposed is an extension to the existing car park within the western corner of the Kilkenny Lane Country Park.

5.12 The previous scheme which came before members proposed to increase the car parking spaces from 12 to 52 giving an increase of 40 spaces including 4 disabled spaces and 8 cycle parking spaces. The previous scheme reached around to the north and bear round to the east of the site. The proposed materials to be used previous scheme were a mix of the existing tarmac surface to be retained/overlaid and is to be extended further round and the car parking bays were going to be constructed with compacted stone and concrete cone edging and timber knee rail around the perimeter of the parking spaces.

5.13 Officers since the deferred scheme have secured a number of changes. The proposed scheme is to increase the car parking spaces from 12 to 32 spaces giving an increase of 20 spaces including 3 disabled spaces and 10 cycle spots. The proposed scheme is to reach north of the existing site and bear round to the west of the site and is to sit behind the existing WC block. There is to be a new footpath to the east of the car park and is to separate the car parking spaces and the higher ecological value land. The existing bund is also to be slightly relocated to facilitate the spaces but is to be retained.

5.14 The proposed materials to be used is tarmac for the existing access road to the spaces and is to be extended to reach all 32 spaces. Spaces 1 - 9 and 26 - 32 are to be tarmacked and this includes the disabled spaces. Spaces 10 - 25 are to be a gravel and plastic grid system similar to grasscrete. A timber knee rail is to separate all car parking spaces and existing path to the country park is to adjoin the car park.

5.15 Officers consider that the materials being used are appropriate in this location, the tarmac is already in place and will purely be extended and the gravel and plastic grid system is similar to grasscrete in whereby it still offers the same result but is more practical for a car park as it will retain the gravel rather than it moving around the carpark. It is a low maintenance option which still is appropriate to be used for parking spaces and does not overly impact the natural area. While it is proposed to significantly increase in size, it is an established development in this area. Indeed, the proposed development is of a size that is more commensurate with the scale of Kilkenny Lane Country Park.

5.16 As part of the deferral, Members asked Officers to consider the use of materials and emphasised the use of grasscrete, however as detailed above the gravel and grid system is a similar system as the grasscrete but has been considered more appropriate for a car park as the grass will not be squashed under the cars whereas the gravel will be retained better within the grids. Officers acknowledge that the disabled spaces are on the tarmacked area and will be built in accordance with BS8300 standard. In addition, it has been considered that due to the decrease of car parking spaces as requested the provision of disabled spaces will be 9.5% compared to the previous 6% of disabled spaces. Linking into this, there have been a reduction of car parking spaces from 52 to 32 spaces to lessen the impact on the surrounding area as Members considered 52 was too many in this location which have now been secured. As a result of consultee comments, the car park has been moved round to the west rather than the previously approved eastern location.

5.17 Your Officers consider that the proposed development will integrate successfully into the site and its surroundings and 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. On balance the previously proposed scheme was considered acceptable in terms of design and scale and now with the scaled down car park along with the increase in cycle provision and disabled spaces, Officers consider the scheme acceptable in terms of scale and design.

Residential amenity

5.18 Officers consider that there were no concerns with regards to residential amenity impacts with the previous scheme, nonetheless Officers are required to consider the current scheme. Given the nature of the alterations to extend car parks, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. The site is currently an existing car park with the principle already in place. Additionally, the car park is 25m away from the nearest residential home to the west and 115m to the east and therefore has been considered that it would not give rise to any issues such as being overbearing nor causing overlooking or loss of light. Due to the nature of the development there is going to be some increase in vehicles to the area and resultant noise, vibration and fumes from the vehicles. Officers have considered that the neighbouring properties are a sufficient distance away to not give rise to disturbing the properties.

Highways

5.19 Officers consider that there were no concerns with regards to highway safety concerns with the previous scheme and as there is a reduction of spaces with the newly revised scheme that Officers consider the below comments still stand. Local Plan Policy T4 (Parking Provision) states: Proposals for new off street public car parking areas will be supported in accessible locations where they would help to ensure the continued vitality and viability of town centres, where they would support visitor and tourist facilities and attractions or where the local environment is being seriously damaged by on-street parking and alternative parking provision is essential.

5.20 Evidence within the design and access statement along with 3rd party consultees have stated that there are issues with parking at this location with at peak times, cars are parking on the bend of Elmhurst Way. Additionally the case officer conducted their site visit in July 2022 and viewed these parking difficulties first-hand.

5.21 OCC Highways have been consulted on the application as there is a total increase of 20 parking spaces and therefore your Officers deemed it appropriate to gain their comments as it is likely that there would be an increased volume of cars. OCC Highways have raised no objections in regards to highways safety and convenience. Your Officers have considered that whilst there is larger increase in spaces the site as described is a local community facility and is still relatively modest when considering the site as a whole.

5.22 On this basis, the scheme is considered acceptable and complies with policy T2, T3, T4 of the West Oxfordshire Local Plan and 104 e) of the NPPF 2021.

Drainage

- 5.23 The previous scheme which came before Members stated that an adherence condition would be required as the submitted documents were sufficient in addressing any concerns with drainage.
- 5.24 As the proposed car park has been relocated round to the west it was deemed appropriate to consult with the WODC Drainage Engineers on the new scheme. Local Plan Policy EH7 (Flood Risk) states: "Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk (taking account of the impacts of climate change)"
- 5.25 Your Officers have considered that the sequential test for flood risk is not required in this instance as the site is within flood zone 1 and is less than 1ha and therefore a flood risk assessment would normally not be required for this type of development but your Officers were provided with a drainage strategy for the previous scheme but not this scheme.
- 5.26 WODC Drainage Engineers have commented stating that the drainage strategy submitted was not considered suitable for this scheme and a pre-commencement surface water drainage scheme condition will be added to ensure the correct drainage scheme is constructed before the first use of the extended car park. Your Officers have considered on this basis that the scheme is acceptable and complies with Policy EH7 of the West Oxfordshire Local Plan and the NPPF 2021.

Landscaping and Ecology

- 5.27 The previous scheme caused a loss of high quality grassland which was mitigated through condition. It was considered that while there would be some loss in biodiversity value in the immediate area due to the car park encroaching on the higher ecological value land, this is quite modest and with the conditions attached securing landscaping/planting/relocation of orchids officers are satisfied that net gain could have been achieved. It now has to be recognised with the newly proposed scheme that there is no loss of the higher ecological grassland or any impact on the pyramidal orchids and therefore there will be no net loss on site. Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.
- 5.28 Your Officers have also recognised that the parking plan shows where existing shrubs and trees are to be retained around the area.
- 5.29 Due to the nature of the development and this area not highlighting any rare or notable plants nor any special species which are protected in anyway Officers considered at this stage it was unreasonable to ask for a preliminary ecological assessment of the site. Since then there has been further information from 3rd party consultees stating there is evidence of the rare Pyramidal Orchid. Your Officers consulted with the council's ecologist along with the estates biodiversity officer who stated their concerns with the loss of habitat along with the suggestion of a Construction and Environmental management plan.
- 5.30 As detailed, the newly proposed scheme avoids the area of ecological value completely and the bund is to be retained albeit slightly relocated along with a footpath to separate between the car park and the land. It was still considered appropriate to consult with the WODC Biodiversity Officer in which they stated they had no objections to the scheme. There are a number of conditions to be placed on the application to secure a landscaping scheme to ensure increased gain of biodiversity on the site. As was addressed in the previous application a CEMP condition will need to be placed,

whilst the new car park avoids the area of ecological value it is important to prevent degradation to the higher ecological grassland.

5.31 Your Officers have considered that while there would be no loss in biodiversity value in the immediate area compared with the previous scheme and with the conditions attached securing landscaping schemes officers are satisfied that net gain can be achieved. Your Officers have considered on this basis that the scheme is considered acceptable and complies with Policy EH3 of the West Oxfordshire Local Plan.

Other Matters

5.32 Officers recognise that Brize Norton Parish Council (BNPC) objected to the previous scheme due to materials, EV charging points and siting within the higher ecological value land. They have since revoked their objection on the scheme following the newly proposed plans. Brize Norton Parish Council has commented on the siting of the car park and wished it to be further around the west of the toilet block and not within the country park. Officers have however considered that the element that is within the country park boundary is very minimal and that it would have very little impact on the county park and the users of the park. BNPC have commented again with regards to the addition of EV charging points. Whilst your Officers understand the request especially with many council owned car parks having EV charging facilities. The applicant has detailed there needs to be a commercially viable business case for installing the EV chargers. Following this, at this stage, Your Officers have deemed that it would not be reasonable to place a condition on the application for EV chargers due to the other nearby charging facilities in Carterton but understand that the Council may wish to add them into Kilkenny Lane Country Park at some point in the future.

5.33 Officers consider that of the 6 main requests made Members which include:

1. Costs of materials
2. Disabled parking spaces (location and method of construction)
3. Bike parking numbers
4. Biodiversity
5. EV charging points
6. Reduction of parking spaces.

Officers considered that they have been able to successfully integrate all elements bar the EV Charging points into the newly revised scheme. The use of gravel for the car parking materials has been addressed and whilst it was not the preferred option of grasscrete, a suitable alternative of gravel and plastic grids has been provided. The proportion of disabled parking spaces has increased along with the construction method according to BS8300. The number of cycle racks has increased to 10 from the original 8. All elements of biodiversity have been addressed in which the car park now does not encroach on any area of high ecological value land and reasonable and necessary conditions are to be placed on the application to secure the landscaping scheme. As a result of this with the moving of the car park, this has also resulted in a reduction of spaces from 52 to 32. The only element Officers were unable to secure were EV charging points. As addressed above, it has not been considered a reasonable request to place a condition on the application for EV chargers due to the nearby infrastructure. The case was made that the scheme is not currently viable for EV chargers in addition to the works proposed for the car park. It is important to note that the previous scheme was considered on balance acceptable in planning terms, however the additional amendments have ensured that the scheme is wholly acceptable in planning terms.

5.34 There could be a possible fall-back position with this scheme being permitted development. The Town and Planning Act (General Permitted Development)(England) Order 2015, Schedule 2 Part 12 Development by local authorities Class A states: permitted development, The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of— (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers; (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them'. Whilst your Officers have not completed a full and thorough assessment of Part 12 it is possible that the development could have been completed in this way. Nonetheless we have the application before us and therefore we are able to maintain control elements including ecology, highway safety and the materials being used for the scheme.

Conclusion

5.35 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, E5, T2, T4, EH3 and EH7 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. Before the laying of any hard standing, a schedule of materials to be used in the development including the covering of hard standing and the timber post rail shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and retained here thereafter.

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

4. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed prior to the first use 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.

5. 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 details of the proposed water treatment measures. 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.

6. 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 nocturnal wildlife;
 - 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 nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), 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.

7. Prior to first use of the new parking area, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (including native tree planting, shrub planting and bund planting) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. The development shall be completed in accordance with all measures outlined within West Oxfordshire's Precautionary Method of Working document. All recommendations shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
 - I. Risk assessment of potentially damaging construction activities;
 - II. Identification of 'biodiversity protection zones';
 - III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - IV. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - V. Details of the storage of equipment, materials and waste;
 - VI. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period.

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

REASON: To ensure that priority habitats are safeguarded in accordance with 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.

10. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

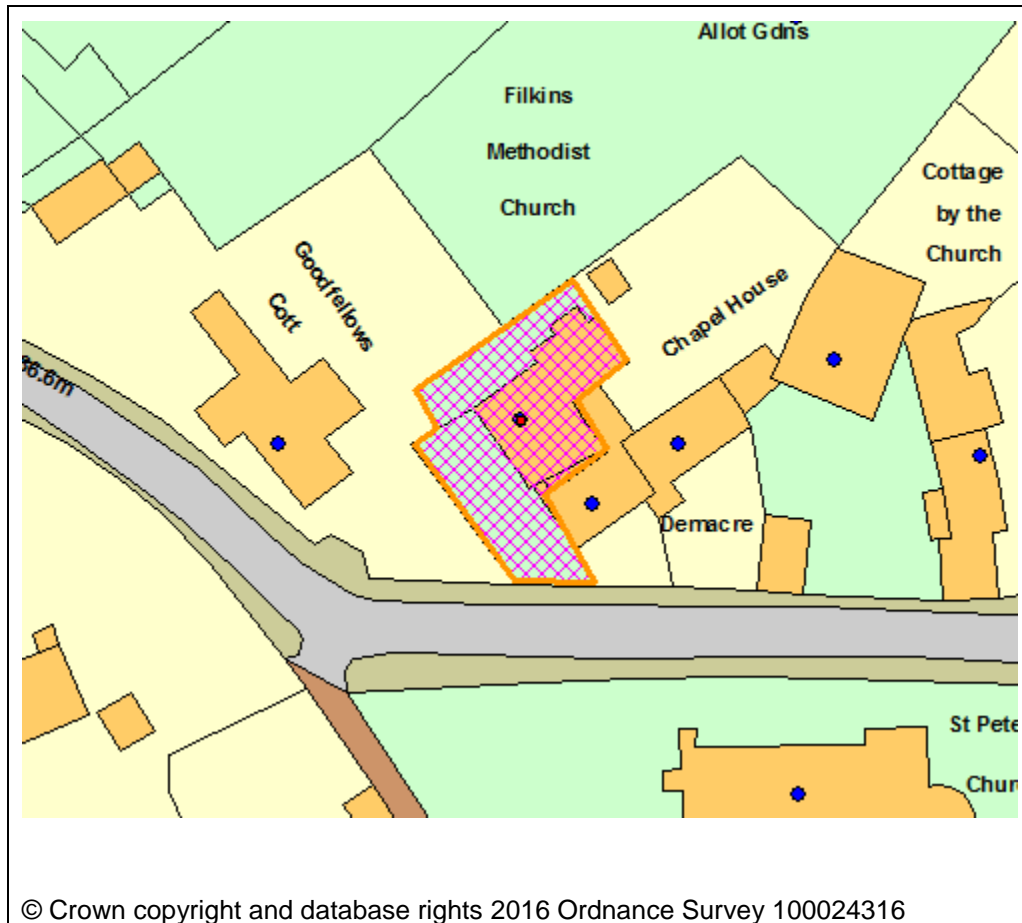
Contact Officer: Eloise Street

Telephone Number:

Date: 15th March 2023

Application Number	22/03232/FUL
Site Address	Filkins Methodist Chapel Filkins Lechlade Oxfordshire GL7 3JG
Date	15th March 2023
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423698 E 204216 N
Committee Date	27th March 2023

Location Map



Application Details:

Conversion of former Methodist Chapel to a dwelling with associated works.

2.1 One Objection comment has been received and can be viewed in full on the WODC website, however in summary the following concerns were raised:

- Neighbouring amenity concerns in terms of overlooking and loss of privacy.
- Inaccuracy on the existing plans.
- Impact on heritage assets and their setting
- Drainage run off onto neighbouring property
- The siting of the proposed soakaway and package sewage treatment close to neighbours boundary and associated odour and noise issues.
- The suitability of the building to function as a dwelling.

3 APPLICANT'S CASE

3.1 This application proposes the change of use of the former Methodist Chapel to residential use, this comprising a one bedroom dwelling. The original chapel area will not be subdivided but will form an open plan living, kitchen and dining area with the existing doorway into the side room to be utilised in order to access the proposed bedroom and bathroom, the latter being within the area of the existing kitchen units and sink. A mezzanine floor will be installed over the bedroom to provide additional storage, accessed by a ladder. Two conservation style rooflights are proposed on the north west elevation. The proposed changes to the building both internally and externally are minimal and the proposal would represent a viable use for the building that would cause no harm to the occupants of the nearby dwellings or the wider area.

4 PLANNING POLICIES

NPPF 2021

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E5NEW Local services and community facilities

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH16 Non designated heritage assets

T4NEW Parking provision

EH7 Flood risk

EH8 Environmental protection

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 conversion of a former Methodist Chapel to a dwelling with associated works at Filkins Methodist Chapel, Filkins.

5.2 The application site relates to a former Methodist chapel which is curtilage listed, locally listed and falls within the Filkins and Broughton Poggs Conservation Area. The former Methodist Chapel is located to the rear of Chapel Cottage which faces Chapel Lane, north west of the Church of St

Peter, which is grade II listed. The chapel is considered to be curtilage listed as it adjoins and fell within the curtilage of grade II Listed Chapel House and Demacre at the time they were listed in 1989. To the north of the site are allotments, to the east are a number of other grade II listed residential properties and to the west are a number of locally listed residential properties. From the 1960s Methodism declined in the rural population and by 1997, Filkins Methodist Chapel only had 8 members and this decline ultimately led to its closure just over 5 years ago.

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

5.4 The description of development has been amended during the application process omitting references to a flue which is no longer proposed. A set of amended drawings have also been provided omitting roof lights from the existing plans.

Planning History

5.5 22/01977/FUL- Change of use of methodist chapel into 1 bedroom dwelling- Withdrawn.

22/02314/LBC- Change of use of methodist chapel into 1 bedroom dwelling-Withdrawn.

5.6 Both applications 22/01977/FUL and 22/02314/LBC were withdrawn following your officers concerns with the lack of information provided relating to the significance and impact of the curtilage listed building and its reuse as a community facility. No other planning history could be found relating to the site. However, the heritage assessment submitted by the applicant states an *'Inspection of the chapel has revealed a date stone located between the two arched windows showing that it was built in 1853. Although not evident from the public domain, there is an extension to the north east side which was built in 1953 to provide a Sunday school and kitchen to celebrate the centenary of the completion of the original chapel.'*

Proposed Development

5.7 This application proposes the change of use of the former Methodist Chapel to residential use, comprising of a one bedroom dwelling. The original chapel area will not be subdivided but will form an open plan living, kitchen and dining area. The 1953 rear extension is to be reinsulated and serve as a bedroom and bathroom. A mezzanine floor is to be installed over the bedroom to provide additional storage, accessed by a ladder. With regards to the external alterations, the roof to the original chapel is to be stripped off, the existing battens and felt replaced with treated softwood battens and a vapour-permeable membrane and then the slates relaid. The existing windows and doors to the original chapel are to be refurbished. The windows on the north western elevation of the 1953 extension are to be replaced and two conservation roof lights are proposed within the north western roof slope of the 1953 extension. The existing vehicular access and parking area are to be retained, two car parking spaces are proposed and a new soakaway and package treatment plant. There will be a small section of outdoor amenity space to the north of the former chapel and proposed parking area.

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

- The Principle of Development;
- Design and Visual Amenity
- Heritage Impacts

- Residential Amenity;
- Highways; and
- Other Matters

The Principle of Development

- 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. Filkins is categorised within the adopted West Oxfordshire Local Plan 2031 as a Village. Policy H2 of the WOLP states that new dwellings will be permitted in 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.
- 5.11 The proposed dwelling is to be sited in the location of a former chapel and therefore relates to previously developed land. The former chapel/proposed dwelling is situated within the built up area of the village. Therefore, your officers consider that the siting of a dwelling in the proposed location complies with the locational policy H2 of the WOLP. However, in a recent appeal decision (Land East of Barns Lane, Burford, appeal ref: 3293656 (dismissed), Decision date: 10 August 2022), the Inspector found that the Council cannot, currently demonstrate a 5-year supply of housing land. Therefore, the provisions of policy H2 are considered out of date and may only be afforded limited weight.
- 5.12 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.
- 5.13 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).

- 5.14 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.
- 5.15 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. This will therefore be considered as part of the planning balance later in this report.
- 5.16 The proposed change of use would result in the loss of a community facility albeit one that has been vacant for a number of years. Therefore, Policy E5 which refers to Local services and community facilities must be considered when assessing this application. Policy E5 states that proposals that would result in the loss of community facilities will only be supported where it can be clearly shown that appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain.
- 5.17 The Church of St Peter is approximately 25meters away from the former chapel and therefore easily accessible by foot. The Church of St Peter forms part of the Shill Valley and Broadshire Benefice who state that *'Everybody is welcome to attend any of our services'*. It is therefore possible that members of the former Methodist chapel may have chosen to, or may choose to attend the Church of St Peters.
- 5.18 Further, the closest Methodist church to the former chapel is located in Carterton 3.5 miles away and can be accessed by car within 8 minutes. Whilst your officers accept that not everyone will be able to access this alternative church by non-car modes of transport, it is reasonable to suggest that a proportion of people will be able to. Your officers therefore consider that given the proximity of St Peters Church and the closest Methodist Church within Carterton, that there are appropriate alternative provisions of at least equivalent suitability and accessibility, particularly by foot and as such, the criteria of Policy E5 can be met.
- 5.19 In light of the above assessment, your officers consider that the proposal is supported by Local Plan Policies OS2, H2 and E5 provided the proposal complies with the general principles set out in Policy OS2. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies, guidance and legislation in the relevant sections below:

Design and Visual Amenity

- 5.20 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 and the recently published National Design Guide provides advice on the

components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.21 With regards to the design of the proposal, the proposed alterations include the refurbishment and replacement of the roof, windows and doors. Given the nature of the proposed alterations and refurbishment works proposed, the appearance of the elevations will remain mostly unchanged and are considered to be sympathetic to the host building. Therefore, your officers consider the proposed design to be acceptable and that the development would not harm the visual amenity of the streetscene. As such, the proposal is considered to comply with policies OS2 and OS4 of the WOLP.

Heritage Impacts

5.22 The former Methodist Chapel is a grade II curtilage listed building as it adjoins and fell within the curtilage of grade II Listed Chapel House and Demacre at the time they were listed in 1989. The site is also located north west of the Church of St Peter which is grade II listed. To the east of the site are a number of other grade II listed residential properties and to the west are a number of locally listed residential properties.

5.23 Whilst the Methodist Chapel 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.*

5.24 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.

5.25 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.

5.26 Local Plan Policy EH9 (Historic environment) states 'All development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment'.

- 5.27 Local Plan Policy EH10 (Conservation Area) states 'proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting.'
- 5.28 Local Plan Policy EH11 (Listed Buildings) states 'Proposals for additions or alterations to, or change of use of, a Listed Building (including partial demolition) or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to:
- a) conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
 - b) respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and
 - c) retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form'.
- 5.29 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Your officers consider the significance of the building to be its vernacular architecture, age, external facades, its historic value, former chapel use and prominent location within the conservation area. The Heritage Statement submitted states the significance of the building to be, *derived from the contribution the building makes to the wider village and the context of this part of Chapel Lane. Architecturally, the building has been compromised by the large extension to its side that is not visible from the public domain. However, the south west elevation retains its chapel character. There has been significant change to the form and internal fabric of the chapel since its original construction and this has diminished its significance.*
- 5.30 The proposed external alterations relate to refurbishment works only, apart from the replacement of windows and roof lights in the later extension to the building which cannot be viewed from within the streetscene. Your WODC Listed Building and Conservation Officer has requested that the timber framed replacement windows proposed are changed to metal framed crittal windows with slim-line double glazing, similar to that of the existing windows, this change has been secured by a condition. The proposed scheme will therefore retain the external appearance and architectural character of the building. As such, your officers consider that the significant contribution the building makes to the wider context in which it is set and the conservation area will be retained.
- 5.31 With regards to the proposed internal alterations these include the installation of a mezzanine floor, additional insulation the installation of a bathroom and kitchen. Your officers consider the proposed alterations to be modest and reasonably necessary to facilitate the proposed conversion to a dwelling. The proposed internal alterations relate mostly to the later extension to the chapel and do not result in the loss of any historic fabric.
- 5.32 In terms of the impact the change of use will have on the significance of the building, the internal open character of the formal chapel is to be retained, as well as refurbishing and replacing the original windows, this is considered to help maintain the significance of the buildings former use as a chapel. The proposed change of use to a residential property will result in a single one bedroom dwelling being created, where existing parking and access into the site will be utilised. Given the nature of the proposed alterations, that the building will still maintain its external appearance and

the intensity of its proposed residential use, your officers do not consider that the proposed change of use will harm the significance of the building.

- 5.33 With regards to the neighbouring listed and locally listed buildings, given that the proposed alterations will result in limited physical changes to the site and that the future residents will utilise the existing access and parking arrangements within the site, officers do not consider that the proposed development, would harm the character or setting of those listed buildings.
- 5.34 Your officers therefore consider that the works proposed will preserve the special architectural and historic interest of the listed buildings in accordance with Section 66(1) of the 1990 Act and that the significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF and policies EH10 and EH11 of the Local Plan.
- 5.35 The former Chapel is also a locally listed building. Policy EH16 states that "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.". The NPPF Section 16 Paragraph 203 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". For the reasons stated above, your officers consider that the proposed change of use and associated alterations will preserve the special architectural and historic interest of the locally listed building and its significance will be sustained, in accordance with policy EH16 of the WOLP and Section 16 of the NPPF.
- 5.36 Within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard, your officers consider that the proposed change of use and associated alterations would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.
- 5.37 In summary, your officers are satisfied that the proposed development will not harm the settings or significance of the listed buildings, nearby built form or the character and appearance of the conservation area. As such, the proposal accords with Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 of the NPPF and Policies OS4, EH9, EH10, EH16 and EH11 of the WOLP.

Residential Amenities

- 5.38 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.

- 5.39 The only additional openings proposed are two roof lights in the north western roof slope of the later extension to the Chapel. Given the nature of the proposed roof lights, that the proposed mezzanine is for storage space only, accessed by a ladder and the positioning of the roof lights in relation to neighbouring properties, your officers do not consider that they would give rise to any neighbouring amenity issues.
- 5.40 Your officers note that there is an existing obscurely glazed window on the south eastern elevation of the later extension to the Chapel, which faces into the outdoor amenity space associated with Chapel Cottage. This window is to be replaced and will serve the proposed bedroom. The replacement window on this south eastern elevation is to be obscurely glazed and therefore your officers do not consider that it would give rise to any neighbouring amenity issues in terms of overlooking and loss of privacy.
- 5.41 With regards to the existing openings, your officers note that the window on the south western elevation of the Chapel face towards neighbouring property Good Fellows Cottage and its associated parking and amenity space. However, given the height of the existing windows and that the windows face only a small section of the neighbouring properties garden, your officers do not consider that the development would give rise to overlooking or loss of privacy issues, which would warrant the refusal of this application.
- 5.42 Your officers are therefore of the opinion that due to the siting of the proposed and exiting openings, the separation distance to neighbouring properties and the scale of the outdoor amenity space associated with neighbouring property Good Fellows Cottage, that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light.
- 5.43 Further, your officers consider that the proposed dwelling would provide adequate living conditions for future occupiers given existing boundary treatments, separation distance to neighbouring properties and the siting of its openings. The dwelling will also comply with the minimum space standards guidance. Officers note that only a very limited amount of outdoor amenity space is proposed however, this is considered adequate given that the dwelling is to comprise of one bedroom property, which is likely to be occupied by a single person or a couple. The Chapel/proposed dwelling is also within close proximity to the open countryside and within 50m of The Village Centre on Rouses Lane, where there is a park, outdoor swimming pool and community shop.
- 5.44 Your officers' note there is a gate into the outdoor amenity space associated with Chapel House along the path way which runs alongside the later addition to the Chapel. This elevation along the later addition of the chapel is to contain windows which serve the proposed bathroom and bedroom. The certificate of ownership submitted with this application states that the application site falls within the sole ownership of the applicant. Should neighbouring properties have a right to access this path this is considered to be a civil issue. Should there be a right of access for neighbouring properties along this path it is unlikely to be used frequently, and officers can infer that if the pathway is used it is likely to be during the day when the bedroom is unlikely to be in use. Your officers there considered that should there be a right of access along this path, that it would not give rise to neighbouring amenity issues which would warrant the refusal of this application.

5.45 In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2 and OS4.

Highways

5.46 OCC Highways have been consulted on the application and 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.

Other Matters

5.47 Filkins and Broughton Poggs Parish Council have objected to this application. Concerns were raised regarding a discrepancy on the existing plans which showed there to be roof lights in the roof slope of the later extension to the chapel, however the roof lights are proposed and are not existing. The Parish raised concerns that these proposed roof lights would directly overlook the gardens of neighbouring properties Good Fellows Cottage and Chapel Cottage. The parish also asked for the WODC Drainage Officer to be consulted with prior to the determination of the application and for clarification regarding the siting of the proposed soakaway. Concerns were also raised with the size of the kitchen.

5.48 One objection comment has also been received by a neighbouring property. The concerns that have been raised relate to neighbouring amenity issues caused by the change of use to a dwelling, the siting of the existing windows on the Chapel which overlook neighbouring properties, the inaccuracy of the plans submitted which show roof lights as existing, that the conversion to a permanent separate dwelling will diminish the conservation area and listed building and special interest status of the adjoining and neighbouring properties. Concerns were also raised with the proposed soakaway and sewage treatment systems, their proximity to the boundary of Good Fellows Cottage, the impact they will have in terms of odour and noise and that additional drainage run-off may pass over to Good Fellows Cottage with potential for water logging and flooding of the driveway area. Further concerns were raised relating to the suitability of the building to be converted to a dwelling given the lack of any sound or thermal insulation.

5.49 Your officers have fully considered the objection comments made when assessing this application. Your officers have carefully assessed neighbouring amenity and heritage impact within the relevant sections of this report. Amended drawings have since been submitted omitting the rooflights from the existing plans. Additional insulation is proposed within the later addition to the Chapel where the bedroom and bathroom areas are proposed, the roof to the Chapel area is also to be refurbished and replaced. Whilst it is not a planning consideration the dwelling will have to accord with building regulations.

5.50 In terms of drainage, a foal sewage packaged treatment plant is proposed and a soakaway is proposed for surface water drainage, the siting of both are west of the proposed car parking spaces. The WODC Drainage Officer has raised no objections to the application stating that *no increase in building footprint/impermeable area is proposed, the only requirement is for the surface water drainage (presumably to a soakaway as stated on the application form) to be surveyed and repaired / renovated as necessary*. The proposed development is therefore considered to comply with policy EH7 (Flood risk) of the WOLP and your officers have included an informative relating to the maintenance of the soakaway.

5.51 With regards to the sewage packaged treatment plant proposed, your Environmental Health Officer raises no objection in relation to land contamination and human health risks and does not seek planning conditions. The only additional comments provided by the ERS Officer relate to a flue

which has since been omitted from the scheme. Your officers note the concerns raised by the neighbour with regards to noise and odour impacts, however domestic sewage treatments plants are extremely common and are used by many dwellings which are unable to connect to existing sewage treatment systems. Package treatment plants are typically installed below ground and sealed shut with an access hatch, therefore the noise and odour impacts arising from such a development are considered to be very minor and are not considered to give rise to levels of amenity issues which would warrant the refusal of this application.

5.52 Your officers note that an additional objection comment has been received against the Listed Building Consent application associated with the proposed development. Whilst these comments cannot be considered as part of this application, your officers have noted rights of access within this assessment, neighbouring amenity and the impact on heritage impacts have also been fully assessed.

5.53 There is no material impact with regard to ecology identified, however given the proposed works do include refurbishing the roof, your officers have attached an ecology informative.

Conclusion

5.54 In summary, whilst your officers note that the development will result in the loss of a community facility, given the proximity of St Peters Church and the closest Methodist Church within Carterton, your officers consider that there are appropriate alternative provisions of at least equivalent suitability and accessibility, particularly by foot and as such, the principle of the proposed conversion is supportable and the criteria of Policy E5 has been met. No objection comments have been received from statutory consultees and your officers have not identified any planning harms arising from the development.

5.55 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 limited weight. Some economic benefits will arise from the construction of the development however this will be limited and attracts very limited weight. The development involves the conversion of a heritage asset which has been empty for some time, the proposed conversion will help to secure the future of this heritage asset giving great weight in favour of the development.

5.56 This officer assessment has found that the proposed development would accord with the provisions of the local development plan and NPPF when read as a whole and would not result in planning harms. Your officers therefore consider that planning permission should be granted.

Recommendation

5.57 In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS2, OS4, H2, E5, EH8, EH7, EH9, EH10, EH11 and EH16, the NPPF 2021, Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the West Oxfordshire Design Guide 2016. 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. The replacement windows on the north western and south eastern elevations hereby approved, shall be metal framed critical windows with slim-line double glazing.

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

5. Before first occupation of the building hereby permitted the window(s) in the south eastern elevation; shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

INFORMATIVES :-

- The surface water drainage should be surveyed and repaired / renovated as necessary.
- The granting of planning permission does not override the civil rights of neighbouring properties.
- Due to the age of the building, a refurbishment asbestos survey would be advisable prior to the works commencing. Should asbestos be identified, to prevent the release of and exposure to harmful airborne asbestos fibres, any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of non-licensed asbestos (CAT B) or, where licensed asbestos is present, licensed asbestos contractors. Please refer to the Control of Asbestos Regulations 2012, and the HSE website <https://www.hse.gov.uk/asbestos/index.htm> for further information.
- 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/media/ay3nzn2/sustainability-standards-checklist-feb-2023-v2.pdf>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

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

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

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

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

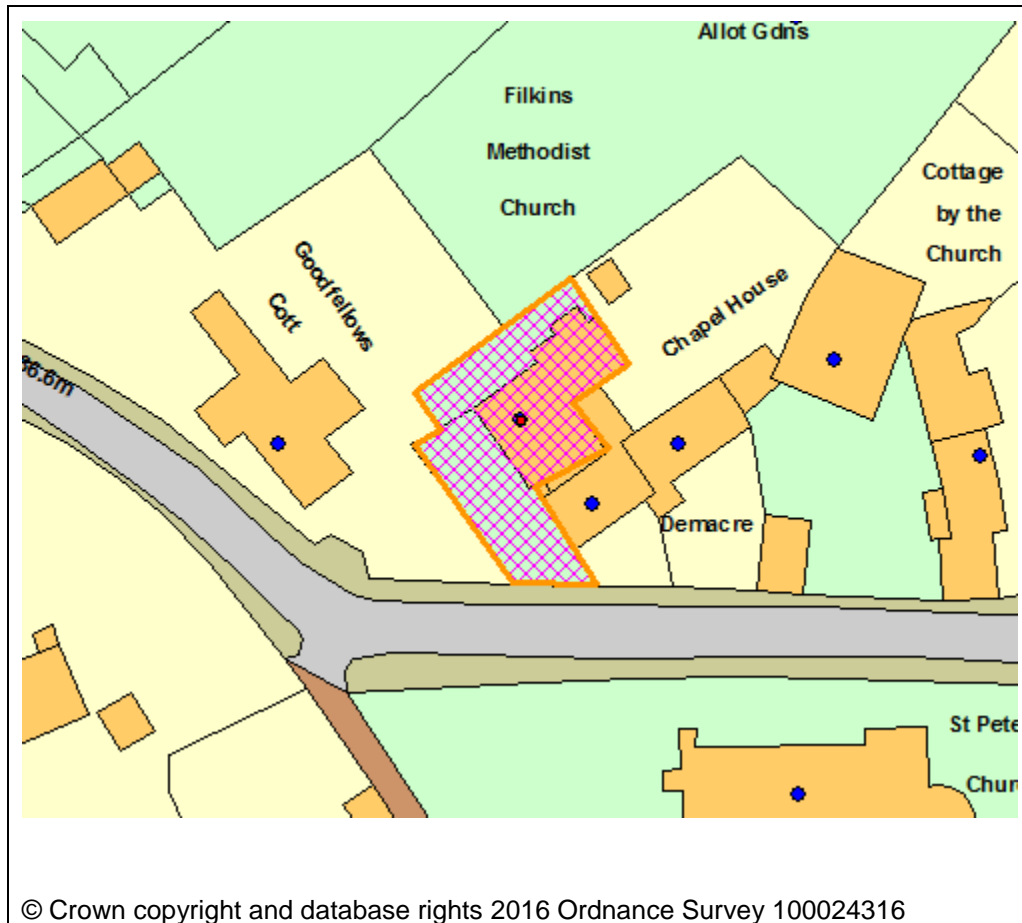
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 15th March 2023

Application Number	22/03233/LBC
Site Address	Filkins Methodist Chapel Filkins Lechlade Oxfordshire GL7 3JG
Date	15th March 2023
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423698 E 204216 N
Committee Date	27th March 2023

Location Map



Application Details:

Internal and external alterations to convert Methodist Chapel to a dwelling. Internal works to include changes to floor layout and construction of Mezzanine floor. External works to include the insertion of roof lights.

Applicant Details:

Andrew M & G Cotswolds Ltd
C/o Agent
LPC(Trull) Ltd
Trull
Tetbury
Glos
GL8 8SQ

1 CONSULTATIONS

Conservation And Design Officer	I've no major objection with regard to replacement windows, but given the c.mid-20th century date and character of the current windows - metal framed with the slim glazing bars, I recommend similar metal windows (slim-line double glazing is okay) would be more historically and architecturally appropriate at this location - e.g. I know that Crittall window company still exists. Nevertheless, no major objections subject to D33, E12 and E17.
Parish Council	No Comment Received.

2 REPRESENTATIONS

2.1 Two Objection comments has been received and can be viewed in full on the WODC website, however in summary the following concerns were raised:

- Neighbouring amenity concerns in terms of overlooking and loss of privacy.
- -Blocking of a right of access into neighbouring garden
- Inaccuracy on the existing plans.
- Impact on heritage assets and their setting
- Drainage run off onto neighbouring property
- The siting of the proposed soakaway and package sewage treatment close to neighbours boundary and associated odour and noise issues.
- The suitability of the building to function as a dwelling.
- The impact the building works will have noise, disturbance and overlooking.

3 APPLICANT'S CASE

3.1 This application proposes the change of use of the former Methodist Chapel to residential use, this comprising a one bedroom dwelling. The original chapel area will not be subdivided but will form an open plan living, kitchen and dining area with the existing doorway into the side room to be utilised in order to access the proposed bedroom and bathroom, the latter being within the area of the existing kitchen units and sink. A mezzanine floor will be installed over the bedroom to provide additional storage, accessed by a ladder. Two conservation style rooflights are proposed on the north-west elevation. The proposed changes to the building both internally and externally are minimal and the proposal would represent a viable use for the building that would cause no harm to the occupants of the nearby dwellings or the wider area.

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 conversion of a former Methodist Chapel to a dwelling, internal works to include changes to floor layout and construction of Mezzanine floor and external works to include the insertion of roof lights at Filkins Methodist Chapel, Filkins.
- 5.2 The application site relates to a former Methodist chapel which is curtilage listed, locally listed and falls within the Filkins and Broughton Poggs Conservation Area. The former Methodist Chapel is located to the rear of Chapel Cottage which faces Chapel Lane, north west of the Church of St Peter, which is grade II listed. The chapel is considered to be curtilage listed as it adjoins and fell within the curtilage of grade II Listed Chapel House and Demacre at the time they were listed in 1989. To the north of the site are allotments, to the east are a number of other grade II listed residential properties and to the west are a number of locally listed residential properties. From the 1960s Methodism declined in the rural population and by 1997, Filkins Methodist Chapel only had 8 members and this decline ultimately led to its closure just over 5 years ago.
- 5.3 The application has been brought before Members of the Lowlands Sub Planning Committee for consistency, as the associated planning application (22/03232/FUL) has to go before Members given your officers recommendation is contrary to the Parish Council.
- 5.4 The description of development has been amended during the application process omitting references to a flue which is no longer proposed. A set of amended drawings have also been provided omitting roof lights from the existing plans.

Planning History

- 5.5 22/01977/FUL- Change of use of methodist chapel into 1 bedroom dwelling- Withdrawn.
22/02314/LBC- Change of use of methodist chapel into 1 bedroom dwelling-Withdrawn.
- 5.6 Both applications 22/01977/FUL and 22/02314/LBC were withdrawn following your officers concerns with the lack of information provided relating to the significance and impact of the curtilage listed building and its reuse as a community facility. No other planning history could be found relating to the site. However, the heritage assessment submitted by the applicant states an '*Inspection of the chapel has revealed a date stone located between the two arched windows showing that it was built in 1853. Although not evident from the public domain, there is an extension to the north east side which was built in 1953 to provide a Sunday school and kitchen to celebrate the centenary of the completion of the original chapel.*'

Proposed Development

- 5.7 This application proposes the change of use of the former Methodist Chapel to residential use, comprising of a one bedroom dwelling. The original chapel area will not be subdivided but will form

an open plan living, kitchen and dining area. The 1953 rear extension is to be reinsulated and serve as a bedroom and bathroom. A mezzanine floor is to be installed over the bedroom to provide additional storage, accessed by a ladder. With regards to the external alterations, the roof to the original chapel is to be stripped off, the existing battens and felt replaced with treated softwood battens and a vapour-permeable membrane and then the slates relaid. The existing windows and doors to the original chapel are to be refurbished. The windows on the north western elevation of the 1953 extension are to be replaced and two conservation roof lights are proposed within the north western roof slope of the 1953 extension. The existing vehicular access and parking area are to be retained, two car parking spaces are proposed and a new soakaway and package treatment plant. There will be a small section of outdoor amenity space to the north of the former chapel and proposed parking area.

5.8 Your officers note the two objection comments received against this application. However, the considerations of this application are solely the impacts that the proposed development will have on Heritage Assets. Other planning considerations have been assessed as part of the planning permission associated with this development (22/03232/FUL).

Heritage Impacts

5.9 The former Methodist Chapel is a grade II curtilage listed building as it adjoins and fell within the curtilage of grade II Listed Chapel House and Demacre at the time they were listed in 1989. The site is also located north west of the Church of St Peter which is grade II listed. To the east of the site are a number of other grade II listed residential properties and to the west are a number of locally listed residential properties.

5.10 Whilst the Methodist Chapel 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.*

5.11 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 of the Planning (Listed Building and Conservation Areas) Act 1990.

5.12 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.

5.13 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Your officers consider the significance of the building to be its vernacular

architecture, age, external facades, its historic value, former chapel use and prominent location within the conservation area. The Heritage Statement submitted states the significance of the building to be, *derived from the contribution the building makes to the wider village and the context of this part of Chapel Lane. Architecturally, the building has been compromised by the large extension to its side that is not visible from the public domain. However, the south west elevation retains its chapel character. There has been significant change to the form and internal fabric of the chapel since its original construction and this has diminished its significance..*

- 5.14 The proposed external alterations relate to refurbishment works only, apart from the replacement of windows and roof lights in the later extension to the building which cannot be viewed from within the streetscene. Your WODC Listed Building and Conservation Officer has requested that the timber framed replacement windows proposed are changed to metal framed crittal windows with slim-line double glazing, similar to that of the existing windows, this change has been secured by a condition. The proposed scheme will therefore retain the external appearance and architectural character of the building. As such, your officers consider that the significant contribution the building makes to the wider context in which it is set and the conservation area will be retained.
- 5.15 With regards to the proposed internal alterations these include the installation of a mezzanine floor, additional insulation the installation of a bathroom and kitchen. Your officers consider the proposed alterations to be modest and reasonably necessary to facilitate the proposed conversion to a dwelling. The proposed internal alterations relate mostly to the later extension to the chapel and do not result in the loss of any historic fabric.
- 5.16 In terms of the impact the change of use will have on the significance of the building, the internal open character of the formal chapel is to be retained, as well as refurbishing and replacing the original windows, this is considered to help maintain the significance of the buildings former use as a chapel. The proposed change of use to a residential property will result in a single one bedroom dwelling being created, where existing parking and access into the site will be utilised. Given the nature of the proposed alterations, that the building will still maintain its external appearance and the intensity of its proposed residential use, your officers do not consider that the proposed change of use will harm the significance of the building.
- 5.17 With regards to the neighbouring listed buildings, given that the proposed alterations will result in limited physical changes to the site and that the future residents will utilise the existing access and parking arrangements within the site, officers do not consider that the proposed development, would harm the character or setting of those listed buildings.
- 5.18 In summary, your officers consider that the works proposed will preserve the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF.

Conclusion

- 5.19 Your officers have had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area. Your officers consider the proposed works to preserve the special character, setting and significance of the listed building. As such, it is recommended that listed building consent should be GRANTED.

6 CONDITIONS

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

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

2. 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.

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

REASON: To preserve internal features of the Listed Building.

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

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

5. The replacement windows on the north western and south eastern elevations hereby approved, shall be metal framed crittal windows with slim-line double glazing.

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

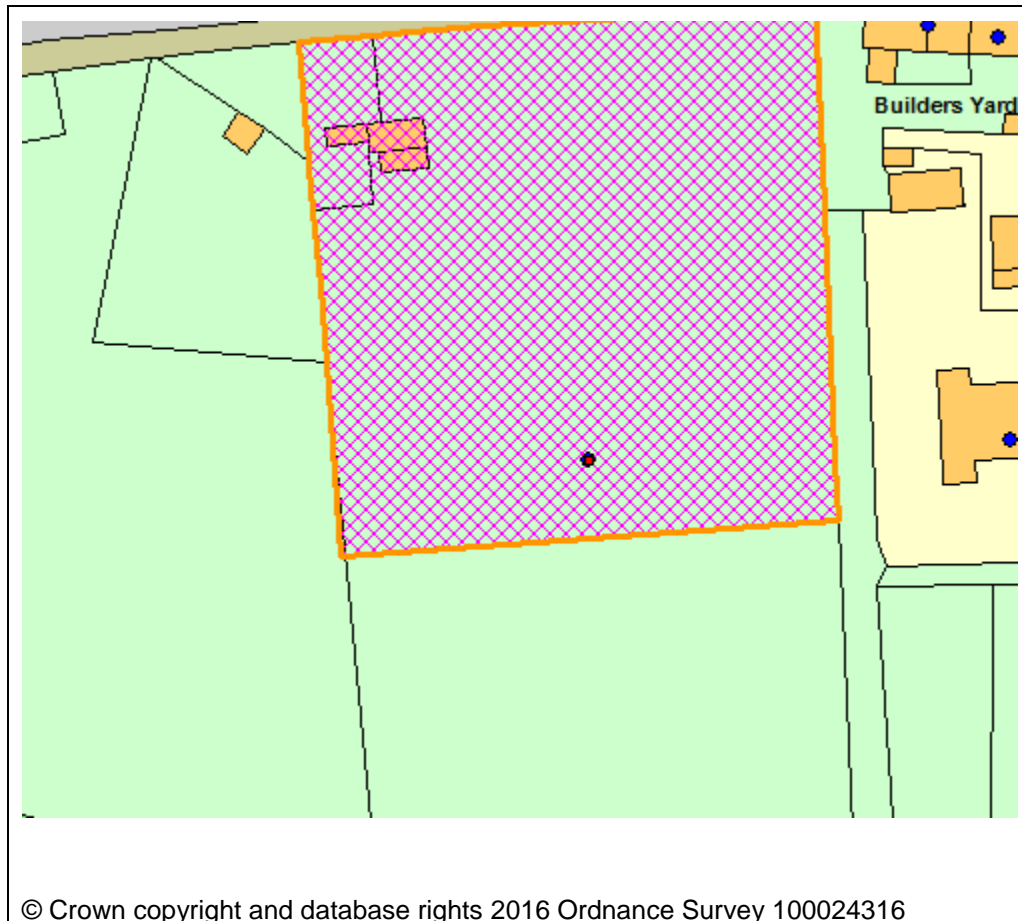
Contact Officer: Esther Hill

Telephone Number: 01993 861690

Date: 15th March 2023

Application Number	22/03370/FUL
Site Address	Land West Of Colt House Aston Road Bampton Oxfordshire
Date	15th March 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432174 E 203201 N
Committee Date	27th March 2023

Location Map



Application Details:

Erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Applicant Details:

.
c/o D2 Planning Limited
Suite 3 Westbury Court, Church Road
Westbury on Trym
Bristol
BS9 3EF

I CONSULTATIONS

OCC Archaeological Services	No objection subject to conditions
WODC Drainage Engineers	No Comment Received.
WODC Planning Policy Manager	No Comment Received.
WODC Housing Enabler	<p>Having had the opportunity to review the application I am able comment from a housing perspective:</p> <p>West Oxfordshire District Council Local Plan 2031 Policy H3 - Affordable Housing requires developments of 11 or more dwellings, or developments with a combined floor space of greater than 1000 square metres, to make an affordable housing contribution on-site.</p> <p>The proposed development is for 6 bungalows for people aged 55 and over. The planning consultant has confirmed that the combined floor space will be 967 square metres. The scheme is therefore not required to provide affordable housing under Policy H3.</p> <p>The Local Plan seeks to boost the supply of housing for older people, facilitate developments that would provide downsizing opportunities for owner-occupiers and provide homes built on one level. It also proposes application of Building Regulation standard M4(2) for accessible and adaptable dwellings as a means of meeting the changing needs of occupants and helping them to stay in their homes longer. The application states that all dwellings will be built to Building Regulation standard M4(2).</p>
WODC Env Health - Lowlands	<p>Thank you for the opportunity to consult.</p> <p>I have no objection in principle, but would ask for a condition similar to the following to be attached to any consent given:</p> <ul style="list-style-type: none">• The acoustic design of the new residential unit shall accord with the internal and external noise design criteria specifications of BS 8233:2014.

- 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.

District Ecologist	No objection subject conditions
Environment Agency	No Comment Received.
Thames Water	No Comment Received.
Newt Officer	No Comment Received.
Parish Council	<p>Bampton Parish Council is strongly opposed to this development on the grounds that:</p> <p>The site for this proposal is land previously included in a planning application which was rejected on appeal due both to the harm it would cause to the setting of the village and conservation area and the elevated risk of flooding to the site and surrounding area in addition to failing the sequential test. This refused application is referenced as 14/0993/P/OP and went through various amendments with regard to the number and siting of units with 116 being the reduced number finally listed on the application. Surface water drainage and at times flooding down the hill from the direction of Mount Owen Road, regularly results in standing surface water on the application area with flooding in this more general area off the Aston Road. Since the disastrous floods of 2007 the quantity of surface water run-off has significantly increased due to the development of the Taylor Wimpey estate bordered by the Aston Road and Mount Owen Roads and the Cala Homes development on New Road. In total, these developments, have added 320 properties to the village of Bampton. They both utilise on site attenuation to store some surface water, but the outfall and release of any stored surface water from both sites drains immediately through the ditch system down to the Aston Road in the location of this application. The Hydrock report provided by the applicant refers to a moderate risk of both sewer and groundwater flooding and the mitigation proposals do not seem to have considered the combined effects of recent properties close to the applicant's site, with only assumptions being made. Furthermore, the Shill Brook, a tributary to the Thames runs very close to this site. The ditch and surface water drainage system in general in this location are all draining towards the Shill Brook. Flood warnings are regularly given by the Environment Agency for Shill Brook in Bampton during any time of high rainfall.</p>

It is disappointing to see and note the comments made by the WODC drainage engineer to these proposals in that while considering flood history he attributes the catastrophic flooding of this area in July 2007 solely to poor maintenance of watercourses and culverts. Whilst it can be accepted that maintenance was a contributory factor, this will always be the case unless statutory bodies regularly inspect and take action with regard to maintenance. This does not happen. That particular event was also the result of particularly high rainfall over a short time frame. It took place during summer months when the river Thames and subsidiary water courses were not at winter high levels but was clearly a consequence of climate change with the changing pattern of increased flood events. Parts of the parish of Bampton sit within the Thames Flood plain. It was always thus and it will continue to be affected by the Thames catchment plain.

The Parish Council is extremely concerned about the flood risks associated with this proposal and ask that the applicant demonstrates categorically that the site in question will not either increase surface water on-site and/or increase flood risk elsewhere.

We have noted the comments submitted as part of the objection to this application by Dr R J Preston and draw both Councillor's and planning officer's attention to his submitted comments. Dr Preston provided expert witness guidance on surface water disposal and flooding with regard to the planning appeal 14/0993/P/OP. Bampton Parish Council wholly endorse and support the detailed and expert drainage advice contained within his comments.

The sewage system and sewage treatment works within Bampton has been recognised by Thames Water as being unable to cope with the number of properties it now needs to serve from both Bampton and Aston. Both villages have seen substantial and unprecedented growth in the last 10 years. Treated sewage discharges into Shill Brook. Untreated sewage is now also being regularly discharged due to the over capacity of the sewage works. In 2021 sewage storm overflow at Bampton spilled 51 times for a total of 488 hours and there has been no improvement since. Although the numbers in this application are low, any increase in housing numbers in Bampton will simply add more pressure to an already inadequate system.

The pedestrian route to the village centre from the site means crossing a busy through route where average speeds in excess of 30mph have been identified in the applicant's own survey. The Council feels that this is not safe, particularly taking into account that this development is specifically aimed at the older resident. Bampton has many facilities which the over 55s need but it is a long walk to both the centre when carrying any shopping and the Bampton Surgery - nearly 1km. Taking this into account it is more likely that people will use cars to access the centre of Bampton so

the movements are likely to be far more than those predicted by the applicant. Furthermore, with retirement ages increasing from 66 to 67 in 2028 it is also likely that occupants of these proposed units restricted to the over 55 age limit, could work for 12 years post occupancy and will need to retain the use of 2 cars plus adding to the number of journeys as they could be travelling to and from work

Safety and visibility at the vehicular access point on to Aston Road does not appear to have been commented on by the Highways Authority and the Parish Council is concerned that it will not provide a safe solution for access to this busy road particularly as there is currently another access road almost directly opposite that now caters for the increased traffic from the latest (Taylor Wimpey) major housing development in Bampton.

Granting consent for this application would set a dangerous precedent to reopen landowners and developers' interest in the development of the whole of the application site in the 14/0991/P/OP application. Comments made by the appeal inspector to the planning appeal concerning the open nature of that parcel of land and the importance to the conservation area of the open views and the site not being one of an infill nature, may well be negated in part if this application is passed and this area of land is allowed to be built on.

As can be seen from the Community consultation paper Blue Cedar met with Bampton Parish Council on 17th October 2022 and the council highlighted a number of issues.

Should permission be given for this development the Parish Council would like to see conditions imposed to ensure:

- a) High environmental, sustainability and energy efficiency standards including swift boxes, hedgehog routes, high values of insulation, sustainable heating solutions, water saving devices, car charging points etc.
- b) Use of natural stone and sustainable wooden or metal building materials
- c) Retention of as many hedgerows and trees as possible and provision of enough monies for a management company for their continued maintenance
- d) Removal of permitted development rights to ensure conversions of lofts or garages are restricted as this would lead to an increased need for parking and although the provision of visitor parking may be to current standards it does not allow for the removal of any of the private parking provisions.
- e) That the land to the rear of the site owned by the applicant is categorised as permanent amenity land so that it cannot

be built upon unless the climate changes so significantly that the flood risk levels are reduced to a maximum of 1.

WODC Drainage Engineers No objection subject to a surface water drainage condition

OCC Highways No objection subject conditions

2 REPRESENTATIONS

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

11 third party objections received relating to:

1. Flood risk
2. Drainage issues
3. Impact on the Surgery
4. Lack of doctor availability
5. Foul drainage cannot cope
6. Planning history of the site
7. Highway safety
8. Doubts accuracy of submitted reports
9. Harm to conservation area
10. Insufficient infrastructure in place to cope
11. Roads cannot cope with the inevitable additional traffic

1 third party support comment received relating to:

1. Need for this type of housing to encourage downsizing to free up family sized homes

A detailed submission from The Society for the Protection of Bampton (SPB) is available online setting out points relating to sewage, flood risk, and planning history of the site.

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 There is a recognised and accepted need for elderly persons' accommodation in Bampton which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly.

3.3 The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy H2 of the adopted Local Plan.

3.4 Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport, drainage etc. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area.

3.5 Finally, there are a range of significant benefits attributed to the scheme which are set out in the Planning Statement. These all weigh in favour of granting planning permission for the development.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH13 Historic landscape character

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 The proposal is for the 'erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure'.

5.2 The site is located on the southern side of Aston Road, directly to the south of the access to Mount Owen Road. The land parcel is a broadly rectangular shaped piece of land, however only the northern half is proposed for development. The development site is approximately 0.7 hectares in size and is broadly square shaped. The last known use of the land is agricultural.

5.3 The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself.

5.4 Two single storey ageing buildings are present in the north western corner of the site. They are in poor condition and their removal is not objectionable.

5.5 The site has an existing vehicular access onto Aston Road.

5.6 Bampton Conservation Area is located approximately 124m to the west at its nearest point.

5.7 The development site is wholly within flood zone 1. However, flood zone 3 is located just 20m to the south of the site.

5.8 There is relevant planning history for the site. Application reference 13/1309/P/OP for the 'Erection of one hundred and twenty seven dwellings with associated works' was refused by the Lowlands Area Planning Sub-Committee on 16.12.2013 for the following reasons:

1. *The proposed development does not comprise development within the existing built up limits of the village but rather extends it out into open country. As such it is not in accordance with policy H7 of the adopted West Oxfordshire Local Plan. Furthermore the Council has a demonstrable 5 year supply of housing land as required by paragraph 47 of the NPPF, As such the development is not in accordance with the development plan and no material considerations indicate that the benefits of the development would outweigh the harms.*
2. *The proposed development includes land that is at most risk of flooding falling within flood zones 2 and 3. There are other sites available at district, area and settlement level that could meet housing need and that are sequentially preferable in flood risk terms. The proposal therefore fails the sequential test and is contrary to the advice at paragraphs 99-101 of the NPPF and policy NE9 of the adopted WOLP.*
3. *By reason of its location beyond the limits of the settlement in an area of attractive open countryside that contributes to the rural setting of the Conservation Area, two major routes into the village and the amenity of the adjoining footpath network and which is constrained by odour from the adjoining sewage works and the likely presence of archaeological remains it is considered that the development would harm the setting of the village/conservation area/footpath, harm the archaeology, provide a poor location for new housing and detract from the pleasant unspoilt rural context of the settlement. This would be contrary to policies BE2, BE4, BE5, BE13, NE1, NE3, TLC8, H2, H4 and H7 of the West Oxfordshire Local Plan and paragraphs 109, 132, 133, 134, and 138 of the National Planning Policy Framework. Furthermore the scale of development as a one off delivery and the likely unsustainable modes of transport are considered contrary to policy T1 of the WOLP and paragraph 34 of the NPPF and would also adversely affect the social character of the village in contravention of paragraph 7 of the NPPF.*
4. *In the absence of an agreed section 106 agreement securing the provision of affordable housing and other necessary contributions and mitigation the development would give rise to harmful impacts upon the local infrastructure contrary to policy BE1 of the WOLP 2011.*

5.9 Application 13/1309/P/OP was appealed by the applicant (ref APP/D3125/A/14/2217185). The appeal was dismissed as the development would give rise to an unacceptable flood risk, would result in harm to the character and appearance of the area and settings of heritage assets, landscape harm, and that the proposal does not represent sustainable development.

5.10 A further application (ref 14/0993/P/OP) for the 'Erection of one hundred and sixteen dwellings with associated works' was refused by the Lowlands Area Planning Sub-Committee on 17.09.2014 for the following reasons:

1. *The proposed development does not comprise development within the existing built up limits of the settlement but rather extends it into open countryside. The benefits of approving the scheme are significantly and demonstrably outweighed by the harms of what is considered inappropriate unsustainable development contrary to the saved policies of the development plan and the provisions of the NPPF.*
2. *The proposed development includes land that is at most risk of flooding falling within flood zones 2 and 3. There are other sites in the District and at sub regional and local level that can or have met housing needs and are sequentially preferable in flood risk terms. The proposal therefore fails the sequential test and is contrary to the advice at para 99-101 of the NPPF and policy NE9 of the adopted Local Plan.*
3. *The application has inadequate flood risk assessment to model the fluvial and surface water implications of the development and the mitigation measures will cease to fulfil their function in time of flood leading to water backing up into the site. Its development would therefore be contrary to the advice of the NPPF to resist "more vulnerable" development in areas at risk of flooding.*
4. *By reason of its location beyond the limits of the village in an area of attractive open countryside that contributes in a positive way to the rural setting of the Conservation Area, two major routes into the settlement and the amenity of the adjoining footpath network and which is constrained by odour from the adjoining sewage works it is considered that the development would harm the setting of the village/conservation area/footpath, provide a poor location for new housing and detract from the pleasant unspoilt rural context of the settlement. This would be contrary to policies BE2, BE4, BE5, BE13, NE1, NE3, TLC8, H2 and H4 of the WOLP and the provisions of the NPPF. Furthermore the scale of development as a one off delivery and the likely transport and educational consequences are considered contrary to policy T1 of the WOLP and would adversely affect the social character of the village in contravention of paragraph 7 of the NPPF.*
5. *In the absence of an agreed section 106 agreement securing the provision of affordable housing and other necessary contributions and mitigation the development would give rise to harmful impacts upon the local infrastructure contrary to policy BE1 of the WOLP 2011.*

5.11 Application ref 14/0993/P/OP was also appealed by the applicant (ref APP/D3125/W/15/3007585) however, as the Inspectorate received the appeal after the six month time limit, they were unable to take any action on it and it was turned away.

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Heritage Impacts;
- Archaeology;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities;
- Need for Older Persons Housing;
- Other Matters; and
- Conclusion and Planning Balance

Principle of Development

Development Plan

- 5.13 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.
- 5.14 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchical approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross).
- 5.15 On the south side of Aston Road, the undeveloped frontage creates a long break between the unlisted Calais Farm building at the outer edge of the main part of the village and a detached line of buildings along the road adjacent to the eastern boundary of the site. With its open fields and vegetation, the site appears as agricultural land separated from the main built up area and is not considered to adjoin the service centre of Bampton. As such, the site is considered to be 'open countryside' for the purposes of the strategic housing policies.
- 5.16 Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances such as:
- I. where there is an essential operational or other specific local need that cannot be met in any other way;
 - II. where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
 - III. residential development of exceptional quality or innovative design; and
 - IV. re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.
- 5.17 The scheme proposes specialist housing for over 55's. It could be argued that the proposal would meet criterion one of H2 as it meets a specific local need. However, that criterion is clear that to be supported, that need must not be able to be met in any other way. Insufficient information is available before officers to demonstrate that this need could not be met in any other way. Nonetheless, even if supported by H2, H2 also requires accordance with the general principles set out in Policy OS2. That will be assessed further in this report.

National Policy

- 5.18 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.

5.19 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:

- 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
- 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.

5.20 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).

5.21 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.

5.22 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, Form and Landscape Impact

5.23 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.24 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the NPPF.

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

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;

- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Conserve and enhance the natural, historic and built environment; and
- Be supported by all the necessary infrastructure.

5.26 The north side of Aston Road is lined by residential properties up to Mount Owen Road/Collett Drive, which lie opposite the northern edge of the site. Modern development extends northwards in depth, giving a relatively hard edge to this part of the settlement as seen in views approaching from the east.

5.27 The Inspector for application ref I3/I309/P/OP considered this parcel of land as part of the wider development previously proposed and considered the site to be agricultural land separated from the main built up area. Explaining that 'With its open fields and vegetation the site appears as a fairly extensive swathe of agricultural land. This is despite the presence of some farm type buildings and screening by roadside hedging. On leaving the village, the land creates a feel of reaching countryside on the south side of the road, in contrast to the development extending on the north side, and the buildings further to the east appear as a separate grouping. On arriving from the east these buildings together with the adjacent highway give an initial impression of entering the village at this point, but the site then provides a sense of continuing countryside on that side of the road until Calais Farm is reached. The site therefore provides a character of open countryside in this location, rather than just an isolated element of undeveloped edge of settlement land'.

5.28 While the development of the Collett Drive etc. to the east of Mount Owen Road has expanded the built form further to the east than was considered by the Inspector in 2015, the site being to the south of Aston Road is considered to be open countryside.

5.29 The proposal would be erected to the west of the detached group of buildings, and would not extend further to the south than Colt House. In that regard, the site is partly informed by existing built form. In addition, the new dwellings are single storey and this mitigates the impact somewhat. However, the proposal extends into open countryside and the layout appears as an isolated cul-de-sac that does not relate well to existing built form. As such, officers consider that the scheme would not form a logical complement to the existing pattern of development contrary to the second general principle in Policy OS2.

5.30 The application site contributes to the rural feel on the approach to Bampton from the east, forming a break between the detached group of buildings and the main built up area of Bampton. In that regard the site contributes to the rural character of Bampton. As the proposed development extends into open countryside to the west and south it would fundamentally alter the land character from rural to urban in this location. Therefore, the proposal would not protect the setting of the settlement and would involve the loss of an area makes an important contribution to the character or appearance of Bampton.

5.31 Turning to the design details of the development itself, officers have concerns with the access road running alongside the development as it appears separated from the development itself and not an integral part of the scheme. However, officers acknowledge that the access road is proposed to extend from an existing access that is located to the north west of the plot. Furthermore, as accesses exist for Mount Owen Road opposite the site and another to the east of the site serving Colt House and other dwellings, the use of an existing access is the most logical choice.

- 5.32 At a broad level, the scheme is harmful as set out. However, taken in isolation, the scheme takes cues from a farmstead typology orientated around a central courtyard and while this does not relate well to its immediate context, this layout would typically be found in an open countryside location.
- 5.33 With regard to the dwellings themselves, they are all single storey and this creates a lower lying overall development. The dwellings include feature gables with stone copings, simple casement windows in neutral colour tones, slate roofing tiles and timber cladding to define outbuildings (garages). The materials reflect the agricultural settlement edge and clearly taking cues from the local vernacular. Stone elevations are also proposed and substantial landscaping around the dwellings. They are high quality and well-designed dwellings that propose suitable materials and an appropriate landscape scheme.
- 5.34 Taken in isolation, the dwellings themselves are high quality and the courtyard layout is typical of a rural area. However, taken holistically officers consider that the development would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Bampton; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area.
- 5.35 The proposal does not accord with the provisions of Policy OS2 of the Local Plan with regards to matters of character and appearance. Furthermore, the scheme would conflict with Policies OS4 and EH2 of the Local Plan, which, amongst other things, requires that development be of high quality design, which contributes to local distinctiveness and conserves natural features.

Heritage Impacts

- 5.36 Bampton Conservation Area is located approximately 125m to the west at its nearest point. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.37 Local Plan Policies EH9 (Historic environment) and EH10 (Conservation areas) are applicable to the scheme.
- 5.38 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 5.39 Bampton Conservation Area encompasses much of the settlement of Bampton. On the south side of Aston Road it extends as far as Calais Farm, with the boundary continuing south to Buckland Road. The village is a long-established rural settlement with a history as a farming and trading community. The well preserved historic core has a focus of vernacular buildings, many of which are listed, and a layout based on a convergence of routes at a market place with a network of lanes around these.
- 5.40 The Inspector for application ref 13/1309/P/OP explained that the 'The main significance of the Area as a designated heritage asset derives from the built form of the core. At the same time, within the area itself there is an evident close relationship between agricultural land and settlement, which gives additional significance in terms of the legible development of a large rural village linked with the

surrounding agricultural landscape. The setting of the area on the south and west sides comprising further farmland continues this relationship, with views into and out of the Area. As such these aspects of setting add to significance'.

- 5.41 The application site provides a rural setting to the Bampton Conservation Area. The applicants Heritage Impact Assessment states 'On balance, taking all the foregoing into account, this heritage statement finds that, while a minor change will result from the development proposals in the experience sensed by an observer in the local setting of Bampton Conservation Area, this is unlikely to result in any harm to or loss of appreciation of the significance of the CA as an area-wide designated heritage asset. If may such harm does accrue, logically, given the circumstances, it can only amount to minor 'less than substantial' harm at the very lowest end of the sliding scale of harm for the reasons set out above'.
- 5.42 The site provides a rural setting to the Bampton Conservation Area and forms part of its setting. However, the site does not directly join the conservation area and is located approximately 125m away at its nearest point. This separation leaves a large undeveloped area around the conservation that somewhat buffers the proposed development. Nonetheless, the proposed scheme would result in the encroachment of built form beyond the current village envelope, into undeveloped agricultural land and will erode the rural setting of the Bampton Conservation Area, causing harm to its significance. Officers agree with the findings in the applicants Heritage Impact Assessment and in light of the scale of development, the separation distance and in the context of the findings of the applicants Heritage Impact Assessment, minor 'less than substantial' harm at the very lowest end of the sliding scale is found.
- 5.43 Officers have identified harm to the setting of Bampton Conservation Area by virtue of the loss of its agricultural setting. This harm is considered to be at the lower 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.'
- 5.44 In terms of public benefits. The proposed development would add 6 dwellings to West Oxfordshire Council housing stock and these dwellings are for older persons. The provision of these older persons' dwellings will help to meet the Councils need for these units.
- 5.45 Economic benefits will arise from the construction of the development and economic benefits for Bampton and the wider area are likely from the increase in population. However, these are modest commensurate with the scale of development.
- 5.46 In light of the (lower end) of less than substantial harm found to the setting of the Bampton Conservation Area. Officers are satisfied, on balance, that the public benefits of the new homes for older persons and the economic public benefits found, outweigh the less substantial harm found.
- 5.47 The proposal therefore accords with Local Plan Policies EH9 and EH10, and the NPPF insofar as they apply to the impact of the proposed development on the conservation area; and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 5.48 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality

design) all seek to conserve archaeology. Policy EH9 is clear in that 'archaeological remains.....are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss'.

5.49 The County Council Archaeologist commented that the site 'The site lies in an area of archaeological interest and potential, immediately south of a site which recorded possibly Roman cremations during an archaeological evaluation. The site has been subject to a geophysical survey which did not reveal any archaeological remains, however, these results should be investigated through a staged programme of archaeological investigation'.

5.50 The County Council Archaeologist is satisfied that this issue could be controlled by condition and officers have no reason to disagree. Should permission be granted, the condition could be applied.

Highway Safety

5.51 The site is proposed to be accessed using an existing access and a turning area is proposed, as such, vehicles can enter and exit the site in a forward gear. Furthermore, each dwelling will benefit from two bay garages and a driveway to park two further cars.

5.52 In terms of pedestrian access. This can be achieved using the internal access to reach Aston Road where pedestrians will be required to cross the road to reach the pavement on the northern side of the road. A small extended footway and dropped kerbs will be secured by condition. Excellent visibility in both directions along Aston Road is possible from the access and as such, pedestrians can safely cross the highway to reach the pavement. It is also noted that this pavement continues into Bampton centre where the services and facilities are located.

5.53 Officers are satisfied that safe and suitable access for all users can be achieved. Indeed, OCC highways have no objection to the scheme, subject to conditions. As such, the development is safe in highway safety terms and there are no highway grounds for refusal.

Drainage and Flood Risk

5.54 The proposed development site is wholly within flood zone 1 and the Council's drainage team have not objected to the scheme, subject to a surface water drainage scheme being approved before the commencement of development.

5.55 Officers note the comments received relating to flooding and the images supplied. However, the images relate to an exceptional flood event in 2007. Officers understand that parts of the site can be subject to localised flooding. However, the site is in flood zone 1, the lowest risk of flooding and officers are satisfied that while the site does flood in places occasionally, it would be possible to introduce measures to alleviate this by way of an engineering solution and this does not constitute a reason for refusal in this instance.

5.56 Officers are mindful of the previous applications that included this site that were refused, in part, on grounds of unacceptable flood risk. However, those developments were for up to 127 houses in 2013 and up to 116 houses in 2014 and a significant portion of those developments were located within flood zone 3. Dwellings proposed in flood zone 3 require the sequential and if applicable, the exception tests to be applied. The Inspector for the 2013 scheme explained that 'No evidence has been provided to enable the Sequential Test to be undertaken. Indeed, the appellant acknowledges that this would be unlikely to be passed, with the Council's representations reinforcing this position.'

In the circumstances there is no dispute that the proposal is contrary to national flood risk policy. The conclusion is that the development would give rise to an unacceptable flood risk'.

5.57 Conversely, this site is wholly within flood zone 1 where dwellings are acceptable and the sequential and exception tests are not required. Indeed, national policy directs development to areas of lowest flood risk, which includes this site.

5.58 Officers note the number of comments received relating to foul drainage (sewerage) issues in the area. Officers are aware that this issue is an inconvenience; however, it does not form a refusal reason.

5.59 As the proposed dwellings will be in flood zone 1 and in light of the position of our drainage engineer, officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere.

Trees and Ecology

5.60 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.61 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.62 The existing site comprises of poor semi-improved grassland and species-poor boundary hedgerows. The habitats to be directly affected by the proposed scheme are considered to be of low ecological value with all plants recorded being of common and widespread species. In addition, the report did not identify protected species using the site with the exception of a small passerine bird nest recorded within one of the single storey buildings to be removed. Therefore, protected and notable species are highly unlikely to be a constraint to the proposed development. In addition, a suitable landscape scheme and bat and bird boxes would result in biodiversity net gain.

5.63 It is important to note that the Council's biodiversity officer has not objected to the current scheme. However, a number of conditions are suggested and these will be applied.

5.64 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. This is subject to further details that could be controlled at condition discharge submissions. As such, the proposals would not have an unacceptable effect on biodiversity and the proposal accords with Policy EH3 in that regard.

Residential Amenities

5.65 The proposed dwellings are single storey and located 20m from the nearest dwelling (proposed dwelling in north eastern corner to Coopers Lodge). As such, loss of light, overbearing or overshadowing impacts are unlikely.

5.66 In terms of overlooking and loss of privacy. As the buildings are single storey, views out of these dwellings will be heavily restricted by boundary treatments. Furthermore, even at ground floor, the

window to window separation distances are in excess of 21m. As such, overlooking and loss of privacy impacts are unlikely.

5.67 Officers are satisfied that the works proposed will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration.

Need for Older Persons Housing

5.68 Local Plan Policy H4 (Type and mix of new homes) states 'Particular support will be given to proposals for specialist housing for older people including but not restricted to, extra-care housing. Opportunities for extra care will be sought in the main and rural service centres and other locations with good access to services and facilities for older people'.

5.69 The Planning Practice Guidance recognises there are different types of specialist housing designed to meet the diverse needs of older people, and that there is a significant amount of variability in the types of specialist housing available (Paragraph: 010 Reference ID:63-010-20190626).

5.70 The NPPF recognises the importance that a sufficient amount and variety of land comes forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Paragraph 65 of the NPPF states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people.....).

5.71 Paragraph 5.81 of the Local Plan states 'West Oxfordshire has a relatively old demographic profile reflecting the fact that it is an attractive District that people wish to remain living in or retire to. Between 1981 and 2011 the proportion of residents aged 60+ increased by 82%'. Paragraph 5.82 goes on to state 'Importantly, future projections suggest that the number of older people in West Oxfordshire will continue to increase. In the period 2011- 2031, the proportion aged 55+ is projected to increase by 54%'.

5.72 The Local Plan acknowledges that the District has an older demographic profile, with a higher than average rates of owner occupancy. This was also found in the appeal for Land West of Wroslyn Road, Freeland (ref 21/02627/OUT) with the Inspector stating 'there remains compelling evidence of a growing population of older persons in the District'.

5.73 Paragraph 5.86 of the Local Plan states 'There are currently around 614 older persons housing units in West Oxfordshire the majority of which (523) are in private market schemes with the remainder (91) provided in the affordable sector. Relative to the District's population this represents 66 units per 1,000 persons aged 75 and over, well below the county average (133 units per 1,000) and significantly below the national average (170 units per 1,000)'.

5.74 Whilst these figures are indicative only and should be treated with some caution, they clearly demonstrate that there will be an increasing need for specialist older persons housing in the District. This situation is reflected within the 'Report on Need and Demand' submitted to support the application. In point 10.14 it states 'The deficit in provision is especially noticeable in relation to age exclusive dwellings in which those in early older age will be able to maintain their independent lifestyle whilst continuing their chosen tenure of home ownership'.

5.75 To summarise this section, there is a clear need for this specific type of housing and the proposal would help to meet some of that identified need.

Other Matters

5.76 The Parish Council requested that PD rights be removed. Officers consider this to be an appropriate condition. The Parish Council also requested the land to the rear be categorised as permanent amenity land so that it cannot be built upon. This land is outside of the red line so cannot be controlled. Nonetheless, parts of that land is in flood zone 3 where housing is restricted. Should an application be forthcoming, it would be assessed against the prevailing policies and guidance of the time.

Conclusion and Planning Balance

5.77 As the LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11 of the NPPF applies. 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;
- 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.

5.78 With regard to policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. This includes the impact to conservation areas. The proposed development would harm the setting of Bampton Conservation Area by virtue of the loss of the agricultural setting. However, officers are satisfied, on balance, that the public benefits of the new homes and the economic public benefits found, outweigh the less substantial harm found to the setting of Bampton Conservation Area.

5.79 Moving to the balancing exercise as required by the NPPF, taking the benefits of the proposal first. The proposed development would add 6 dwellings to West Oxfordshire Council housing stock. In light of the lack of a 5YHLS and the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF), this attracts significant positive weight.

5.80 The homes would be restricted for older person (55 plus) occupancy only and there is a specific need for this type of home within the district. The provision of this specialist housing attracts significant positive weight.

5.81 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts modest positive weight.

5.82 Biodiversity net gain would be achieved. This attracts modest weight commensurate with the scale of development.

5.83 Officers have secured that the homes would not be connected to the gas network and would instead rely on electricity with air source heat pumps installed. The applicant has also indicated that

they are willing to explore solar panels on the homes, should Members decide they would like those installed. 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. The use of air source heat pumps instead of gas attracts moderate weight in support of the proposal.

5.84 Moving to the adverse impacts. The proposal would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Bampton; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. As the application is for 6 dwellings, these harms would be relatively localised and as such attract moderate negative weight.

5.85 Turning to the planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.

5.86 The application is therefore recommended for approval, subject to the suggested conditions.

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 dwellings hereby permitted shall only be occupied by persons:

- a) aged 55 or over, and/or
- b) living as part of a single household with such a person or persons; and/or
- c) who were living as part of a single household with such a person or persons at the property who have since died.

REASON: The application has been approved on the particular circumstances of the case. This condition is necessary to ensure that the development is occupied by older persons only, to ensure compliance with the description of development and in accordance with the Local Plan, PPG and Government guidance contained within the National Planning Policy Framework.

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 tests should be carried out for

each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

5. No dwelling shall be erected above ground level until, a schedule of materials (including samples) to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.

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

6. 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.

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

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

8. No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

9. No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety.

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

REASON: In the interest of road safety.

11. Prior to the first occupation of the development hereby approved, details of a new footway together with dropped kerbs along Aston Road adjacent to the proposed vehicular access shall be submitted to the Local Planning Authority for approval. The footway shall be constructed in accordance with the agreed details prior to the first occupation of the development and shall be retained as such thereafter.

REASON: To ensure a safe and adequate access

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

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

13. Prior to above ground works commencing, details of the air source heat pumps (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The approved air source heat pumps shall be installed for every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

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

REASON: In the interests of residential amenity.

15. Before the development hereby approved is first occupied, at least one Electric Vehicle charging point shall be installed in each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained as such thereafter.

REASON: In the interests of air quality and to reduce greenhouse gases; and to minimise use of non-renewable resources and maximise opportunities for travel by sustainable means in accordance with Policy OS3 of the West Oxfordshire Local Plan 2031.

16. 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.

17. 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.

18. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- I. Risk assessment of potentially damaging construction activities;
 - II. Identification of 'biodiversity protection zones', including root protection zones for retained hedgerows;
 - III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including, reasonable avoidance measures for reptiles and amphibians;
 - IV. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - V. Details of the storage of materials, equipment and waste;
 - VI. The times during construction when specialists' ecologists need to be present on site to oversee works;
 - VII. Responsible persons and lines of communication;
 - VIII. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period.

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

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, 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.

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. Prior to occupation of the dwellings hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, native tree planting, wildflower grassland areas and bird and bat boxes) and a 5-year maintenance plan.

It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

INFORMATIVES :-

- Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage

owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk

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

For further guidance please visit:

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

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

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

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

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

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

- 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)

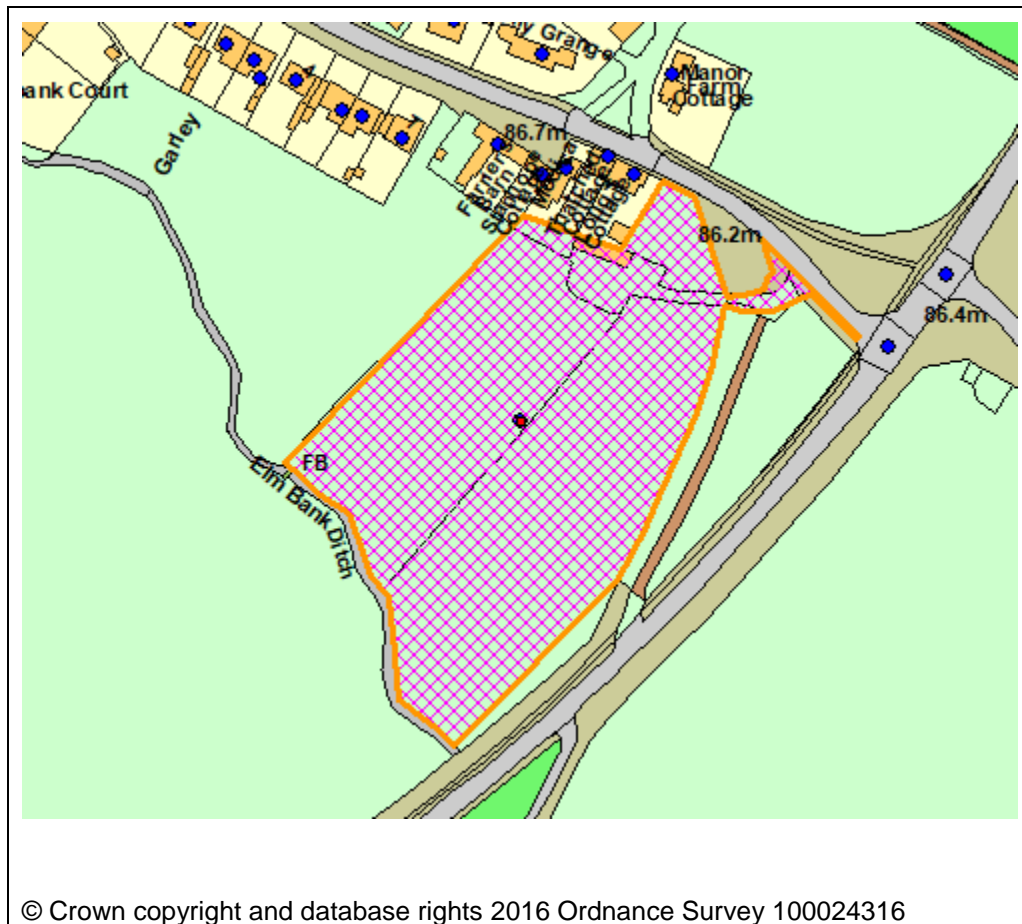
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 15th March 2023

Application Number	22/03544/OUT
Site Address	Land South Of Main Road Curbridge Witney Oxfordshire
Date	15th March 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Curbridge Parish Council
Grid Reference	433332 E 208519 N
Committee Date	27th March 2023

Location Map



Application Details:

Outline application with some matters reserved for the provision of up to 20 dwellings (including affordable housing and self-build housing) with access, parking, amenity space, open space, landscaping, drainage and associated works.

Applicant Details:

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

I CONSULTATIONS

Major Planning Applications
Team

No Comment Received.

Parish Council

Curbridge Parish Council

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

Cover Letter:

The Parish Council object to the proposed development applied for in this planning application. A detailed submission is attached to this letter and explains in the detail the reasons for the objection. In summary our view is the reasons for the refusal of planning application reference 22/00744/OUT have not been addressed and accordingly this new planning application must also be refused.

It is worth noting that of the support and objections comments from residents within the Village there are 51 comments with just one for support and remainder all objecting. Therefore the Parish Council objection is also representative of this fact.

It should be noted the Parish Council were not consulted before the submission of this application and have not had the chance to fully consider the entitlement to S106 funds should this planning application be allowed. As a minimum, an upgrade of the Play Area would be necessary for the extra population. In addition, the loss of the parking area for the Parish Hall would have to be addressed and a replacement area fully funded including providing further parking on the area known as 'The Chippings'. In any event the possible benefit of S106 funding does not outweigh the harm from the proposed development.

Accordingly the Parish Council want to reserve the right to S106 funding should this outline planning application be allowed. If this is not a permitted course of action then please advise in order that the Parish Council do not lose that entitlement.

I. SUMMARY

I.1. The proposed development conflicts with the guiding principles within the Curbridge Village Design Statement adopted by the

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

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

1.3. It is understood that where West Oxfordshire District Council (WODC) may not be able to provide a five year housing supply then there is a presumption in favour of sustainable development. This was the recognised situation at the planning meeting for 22/00744/OUT where that application was rejected. Since that decision the sustainability situation for Curbridge has reduced even further.

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

1.5. Access into the proposed development is across land owned by Oxfordshire County Council. Therefore, there may be access rights issues to be addressed with OCC.

1.6. Until a favourable response has been received and actioned from Thames Water on the capacity of their proposed expansion of Witney Sewage Treatment Works as well as the ongoing problems with the local network any speculative development either here in Curbridge, or, elsewhere should be declined.

1.7. It is difficult to ascertain whether the proposal is located within 5 metres of a strategic water main. Thames Water do not permit building over or construction within 5 metres of a strategic water mains.

1.8. There is no piling methodology found within the development proposal.

1.9. Curbridge only had a weighted score of 18 in the WODC Local Development Framework Settlement Sustainability with only 8 villages out of 41 villages listed lower so logically Curbridge is not considered to be a sustainable location. Furthermore the weighted score is now less due to the reduction of the bus service and the current closure of the the Lord Kitchener public house.

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

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

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

Major Planning Applications
Team

Highways: No objection subject to conditions, financial contributions and entering into a S278 agreement.

LLFA: Objection

- Provide attenuation volumes on the drainage plan.
- Provide discharge rates on the drainage plan.
- Provide indicative surface water catchment plan.
- Clarify why permeable paving has not been considered for surface water treatment at source.
- Confirm capacity of the existing ditch to take the proposed surface water discharge.

Education: No objection subject to financial contributions

Archaeology: No objection subject to conditions

Waste: No objection subject to S106 contributions

WODC Planning Policy
Manager

No Comment Received.

ERS Air Quality

No Comment Received.

WODC Env Health - Lowlands

Thank you for the opportunity to consult on this application.

I have no objection in principle to the outline application but would ask for a condition similar to the following to be attached to any consent given:-

- I. If approved a subsequent noise report assessment would be relevant to allow the detailing for glazing and to satisfy the sound insulation requirements for new dwellings and any wider scheme of physical noise mitigation scheme which may be required.
- II. 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. There shall be no deliveries to site outside of these hours.
- III. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once submitted and approved the details contained in the plan shall be adhered to.

WODC Env Consultation Sites

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

While I have no major concerns in relation to contaminated land, given the proposed sensitive residential use please consider adding the following condition to any grant of permission.

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

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

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

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

District Ecologist

No objection subject to conditions

Conservation And Design Officer

No Comment Received.

Natural England

No Comment Received.

Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, 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. "No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the

proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, 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. "No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

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

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

following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

Thames Water advise that a drainage strategy should contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points. This data can then be used to determine the impact of the proposed development on the existing sewer system. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken.

WODC - Arts

No Comment Received.

WODC - Sports

No Comment Received.

Climate

I have reviewed the Planning Statement for 22/03544/OUT Land South Of Main Road, Curbridge.

A Net zero carbon

- The applicant should examine the Sustainability Standards Checklist and explain how they will meet the net zero standards, including building fabric, passive design measures, alternative heating systems to gas, solar PV and carbon emissions.
- Commitments should be made to:
- Design building fabric to standards of ultralow energy demand and meet the residential energy use intensity (EUI) target of <35 kwh/m2.yr. Predictive energy modelling should be used, for example Passive House Planning Package or equivalent, and carried out with the intention of meeting the target EUI.
- Assess thermal comfort and the risk of overheating and to prioritise for passive design measures.
- Be fossil fuel free with alternative heating systems to gas boilers.
- Achieve a net zero operational carbon balance and deliver 100% of energy consumption using renewables.
- Minimise embodied carbon emissions.

B Transport

- A commitment should be made to support home working.

- The applicant should explain how walking, cycling and public transport use will be prioritised over road users on the site and connections strengthened with the surrounding area. Details of routes and facilities, for example cycle parking, SMART bus stops.
- A commitment should be made to facilitate shared mobility, for example through investment in EV car clubs.
- It is assumed that electric vehicle charging infrastructure would be provided in line with requirements of Approved Document S of the Building Regulations.

C Water

- RIBA 2030 Climate Challenge sets out targets for portable water use. A commitment should be made to achieve a minimum of < 95 l/p/day and strive for < 75 l/p/day. As part of the detailed design, water efficiency calculations would be required for a cross section of homes that are representative of the development.
- A commitment should be made to incorporate water conservation measures, for example water butts, into the scheme.
- A sustainable urban drainage strategy has been outlined. OCC, as the LLFA, should advise on its suitability for the site.

D Waste

- Commitments should be made to:
 - For the construction company to be registered with the Considerate Construction Scheme.
 - Follow a Site Waste Management Plan and set targets for construction waste recycling and disposal.
 - Provide safe and convenient access for waste recycling.
- E Biodiversity
 - WODC ecologist should evaluate the extent to which the development meets the biodiversity standards.
- F Voluntary standards
 - Sustainability principles, for example One Planet Living or Building with Nature, can assist in increasing the sustainability of the scheme.

WODC Landscape And
Forestry Officer

No Comment Received.

Oxford Clinical Commissioning
Group NHS

No Comment Received.

WODC Housing Enabler

Having examined those applicants who are registered on the Council's Homeseeker+ system that wish to rent a home and have indicated Curbridge as one of their areas of preference, I can confirm the following house types are required to meet housing need:.

1 Bed	54
2 Bed	19
3 Bed	14
4+ Bed	4
Total	91

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

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

Emergency	0
Gold	1
Silver	17
Bronze	73
Total	91

These bands are broadly explained as:

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

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

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

Bronze = All other applicants not falling into the above categories

The site is within the medium value zone and would trigger a requirement under Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing.

It can be seen from the above information that there is a high level of need for 1 bedroom affordable housing in Curbridge and this is also the case across the rest of the district. Although the application confirms that the 40% affordable housing requirement in Policy H3 will be met, the indicative housing mix does not include any 1 bedroom homes. I would therefore request that the mix is revised to include an element of 1 bedroom affordable housing.

I would also request that consideration is given to Government's policy for First Homes in the finalisation of the tenure of the affordable homes.

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 91 applicants shown above, there are a further 2579 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

2 REPRESENTATIONS

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

129 support comments received relating to:

1. Meet need for affordable homes
2. Meet need for self build plots
3. Biodiversity improvements
4. Further open space to the village
5. Contributions towards education
6. A range of house types to suit all needs
7. No harmful impact on the landscape character of the area
8. The visual effects of the development would be no greater than Dovecote Place
9. Sustainable development
10. Good mix of housing
11. No adverse impacts to neighbouring amenity
12. Preserve heritage assets
13. Need for housing
14. Benefits outweigh harms
15. Economic benefits from construction stage to finished stage for a variety of businesses in the area.
16. Would increase staff availability for local businesses
17. Great transport links
18. Would replace a builders yard with something better
19. Open up a large amount of green open space to the new houses and the existing villagers
20. Work for local consultants, construction workers in the short term
21. Interested in the self build plots included in this proposal
22. Its a very small development and wouldn't negatively impact the village
23. Improve the site by removing the unsightly builders yard
24. Great location with plenty of amenities
25. The secondary school has been put on hold and more pupils from the proposed development could bring about the building of the school
26. The proposal will support the building of the shops on Windrush place along with adding more pupils to the local school which at the moment is only half full
27. House prices at an all time high. The only way to lower the prices is to increase the supply.

28. The development would compliment the village
29. Lack of a 5 year housing supply
30. The village pub would have more potential customers and therefore be more sustainable in the future
31. Benefit to the village and the wider community
32. The extent of the proposed development would be no different to, and in fact less than, the scheme at Dovecote Place that was found to be acceptable by the Council
33. The extent of the development area would complement and reinforce the pattern and form of existing development in the village, including within the Curbridge Triangle
34. The site is in a sustainable location, only a short walkable distance from Witney and the new development Windrush place which includes shops and a school. The pub although closed still has a use for a public house therefore until this use is extinguished then it is still counted as a facility within the parish
35. The extent of the proposed development provides a careful and sensitive balance between preserving the built character and pattern of Curbridge and the wider landscape setting

it is important to note that of the 129 support comments received. Approximately 60 % (75) are the same letter but signed by different people

58 third party objections received relating to:

1. No fixed or regular bus routes
2. No shops or amenities
3. Currently no pub
4. Trying to secure a school or doctors place is becoming more difficult
5. No need for more homes
6. Too intensive for the village to absorb
7. Not sustainable in this area
8. The existing sewage system cannot cope
9. Access is village land
10. Highway safety
11. Flood risk
12. Harm to biodiversity
13. Excess traffic
14. Adverse effect on the character of the village
15. Set a precedent for further building in the village
16. Loss of green space
17. Cramped development
18. Harm to the character and appearance of the area
19. Affect public right of way
20. Nothing has changed from the previous application
21. Poor bus service
22. Does not form a logical complement to the existing scale and pattern of development and the character of the area
23. Does not protect or enhance the local landscape and the setting of the settlement
24. Does not makes use of previously developed land where available
25. Does 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
26. Does have a harmful impact on the amenity of existing occupants

27. Development does not meet several of the requirements of the WODC local plan in particular OS2
28. Proposal represents a 10% increase in village size
29. Curbridge is very low on the settlement sustainability framework
30. Smaller development would meet the requirements of the local plan and the village design statement
31. Lose parking spaces set aside for the village hall at the entrance to the proposed site forcing more vehicles to park on main road
32. The design is not in keeping with the general linear development of the village
33. 22/00744/out was rejected and this new application does not seem to have addressed the reasons for that rejection
34. Previous comments under 22/00744/out to apply to the new application
35. Increased light and noise pollution
36. The proposed development is contrary to policies H2, E3, OS2, OS4 and EH2 of the adopted West Oxfordshire local plan 2031, the west Oxfordshire design guide 2016 and the relevant paragraphs of the NPPF 2021
37. Many reasons why WODC are below their 5 year land supply position
38. Majority of support comments do not live locally

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 The Statement has demonstrated that the Council are currently unable to demonstrate a five-year supply of deliverable housing sites and, accordingly, the 'tilted' planning balance set out in Paragraph 11(d) of the Framework is engaged. That is, that planning permission should be granted for the scheme unless any adverse impacts would significantly and demonstrably outweigh the benefits. Moreover, the Statement has demonstrated that the Council are failing in the statutory obligation to deliver permissions for self-build housing sufficient to meet the number of registrations for such, with the proposed scheme contributing to these requirements. Provision of such, together with the delivery of affordable housing and market housing (against a sub five-year supply position) should be afforded significant/substantial weight in the overall planning balance.

3.3 Notwithstanding such, and having regard to relevant Development Plan policies and advice in the National Planning Policy Framework, the Statement has demonstrated:

- That the principle of the proposed development is acceptable and compliant with strategic policy - representing a proportionate/limited form of development in Curbridge that respects, and complements, the established settlement pattern and does not result in the loss an important area of open space;
- That the proposals would deliver an appropriate mix and range of housing, including affordable housing and self-build housing;
- That the proposals would appropriately respect the wider character and appearance of the area, including the landscape qualities of the locality;
- That the extent of proposed development is such that an appropriate scheme could come forward at Reserved Matters State that (a) does not impact adversely on the amenities of neighbouring residential properties, (b) does not detract from the enjoyment/amenities of users of the public right of way, and (c) provides a high quality living environment for future occupiers;

- That there would be no adverse impact on existing trees and vegetation, with the proposed landscape framework - which would come forward at Reserved Matters stage - ensuring that the development is appropriately integrated in to the wider landscape setting;
- That there are no highways, access or parking constraints for the development, with the scheme representing a sustainable form of development in transportation terms;
- That the proposals are compliant with flood risk policy;
- That there are no ecological constraints to the proposed development;
- That the proposals would have a neutral effect on the significance of the setting of designated heritage assets; and
- That the scheme would deliver a range of benefits that weigh positively in the overall planning balance

3.4 Given such, and irrespective of the fact that the 'tilted' planning balance is engaged, the evidence demonstrates that the proposals would, subject to conditions and a Section 106 Agreement, be compliant with Development Plan policy. Nevertheless, the fact that the 'titled' planning balance is engaged, simply adds significant further weight and support in favour of granting planning permission for the proposed development.

4 PLANNING POLICIES

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

EH13 Historic landscape character

EH15 Scheduled ancient monuments

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline with some matters reserved for the provision of up to 20 dwellings (including affordable housing and self-build housing) with access, parking, amenity space, open space, landscaping, drainage and associated works.
- 5.2 The site is located on the south-western side of Main Road, at its junction with Bampton Road, and comprises an irregularly shaped parcel of land extending to an area of approximately 1.5 hectares.
- 5.3 A previous pre application response (21/01921/PREAPP) noted that the site 'has a predominant use for agriculture/equine purposes, albeit the north eastern section contains a range of buildings and areas of hardstanding connected with a builders' yard use of this part of the site'. On a site visit in April 2022, this officer noted that the field was open and did not see a stable, a menage, paraphernalia such as jumps, horseboxes, manure clamps, troughs etc. or hardstanding that would indicate that the site was in an equestrian use. Furthermore, no planning permission exists to reflect an equestrian use. The open section (the majority of the site) is therefore in agricultural use.
- 5.4 With regard to the builders yard reference. The LPA has served enforcement notices for the unauthorised change of use and siting of storage containers, skips, plumbing equipment, builders materials, timber, fencing, hardcore, topsoil, gypsy caravan and non- agricultural vehicles. The applicant is appealing the enforcement notices with the Planning Inspectorate (references APP/D3125/C/22/3295096 and APP/D3125/C/22/3295097). As this use appears to be unlawful, with enforcement notices served, and as this is being appealed, the LPA takes the view that the area referred to as a 'builders yard' is also in agricultural use.
- 5.5 The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself.
- 5.6 Public Right of Way (PROW) (ref 185/7/10) runs in a north easterly direction along the northern boundary (within) the site.
- 5.7 Curbridge does not have a conservation area. However, the Grade II Listed Building 'Thatched Cottage' abuts the northern boundary of the site. In addition, a single storey stone barn is present in the northern section of the site, backing on to 'Longs Cottage'. Historic OS maps from 1899-1905 show a linear building in the location of the barn, so the building may be of some age. However, on a site visit in April 2022, officers noted that the roof was metal sheeting (not historic) and the general condition of the building is quite poor. As such, while the building may retain some historic interest, it is not considered to be a non-designated heritage asset in its own right. The submitted plans show this to be demolished and officers have no objection to its removal.
- 5.8 The site is within flood zone 1.
- 5.9 A Village Design Statement is being prepared locally to guide development in Curbridge but has not been adopted by the District Council as a Supplementary Planning Document
- 5.10 There is relevant planning history for the site. Application reference 22/00744/OUT relating to an 'Outline application for the provision of up to 25 dwellings (including affordable housing and self-build housing) and associated works with all matters reserved except the access' was refused by the Lowlands Area Planning Sub-Committee on 15.08.2022 for the following reasons:

1. *The proposed development does not respect the village character and local distinctiveness. It would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. While the development would provide some economic benefits, would add up to 25 homes to West Oxfordshire Housing stock, would meet some of the affordable housing need in West Oxfordshire, and could create biodiversity net gain, these benefits are insufficient to outweigh the clear conflict with the Development Plan as a whole. As such, the proposed development is contrary to policies H2, E3, OS2, OS4 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework 2021. and*
2. *The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport services and infrastructure; Public Rights of Way; education; waste; or biodiversity net gain. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH3, T1, T3 and OS5.*

5.11 There is also relevant planning history for the adjoining site to the north/west (application ref 18/01724/OUT). The description of development for 18/01724/OUT read 'Outline application for the erection of up to 85 dwellings including 40% affordable and 3 x self-build plots with associated landscaping, public open space and enhancements to the children's play area, 2 x footpaths and 1 x footbridge and the provision of land for D1 use, vehicular access from Bampton Road, pedestrian and cycle access from Well Lane and car parking and limited residential vehicular access from Main Road (all matters reserved other than access)'.

5.12 That application was refused by the Lowlands Area Planning Sub-Committee in December 2018 for the following reasons:

1. *The proposal is for significant, and more than limited, housing development on a greenfield site beyond the existing settlement boundary of Curbridge. The site is therefore in the countryside. The development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of the location, site characteristics, and a very low 5 year windfall allowance. The proposal would not form a logical complement to the existing scale and pattern of development in this location, it would fail to protect or enhance the local landscape and the setting of the village, it would involve the loss of an area of open space that makes a positive contribution to the character of the area, and would fail to conserve the natural environment. There would therefore be an unacceptably harmful impact on the character and appearance of the area. This would be compounded by loss of hedgerow on the site frontage to Bampton Road and the urbanising effects of the site access. The development is inconsistent with the linear pattern of development in Curbridge and would not contribute to local distinctiveness. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies H2, EH2, OS2 and OS4, paragraphs 12, 127, and 170 of the NPPF, and the West Oxfordshire Design Guide. and*
2. *The applicant has not entered into a legal agreement or agreements to secure the provision of: affordable housing; self-build housing plots; sport and leisure; public transport; education; community benefits; public art; primary healthcare; and ecological and landscape management. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy H3, EH3, EH5, T3 and OS5 and paragraphs 54 and 56 of the NPPF.*

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

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

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

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

5.14 For clarity, this application proposes five less homes than was previously proposed. In addition, the conversion of the barn building to form 1 dwelling is now excluded from the proposal.

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Heritage Impacts;
- Archaeology;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities;
- Public Rights of Way (PROW);
- Sustainability;
- S106 matters; and
- Conclusion and Planning Balance

Principle of Development

Development Plan

5.16 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.

5.17 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of

Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross).

5.18 Curbridge is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.

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

5.20 Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances.....

On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.

5.21 Policy H2 would permit new homes on undeveloped land adjoining the built up area where there is convincing evidence to demonstrate it is necessary to meet identified housing needs, it is in accordance with the distribution of housing (in Policy H1) and it is in accordance with the other local plan policies, particularly Policy OS2.

National Policy

5.22 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.

5.23 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:

- 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
- 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.

5.24 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).

5.25 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 11(d) of the NPPF is engaged.

5.26 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, Form and Landscape Impact

5.27 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.28 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the NPPF.

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

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

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

- 5.31 This application proposes up to 20 dwellings. Whilst the term 'limited' is not defined in the Local Plan, it is the view of officers that the addition up to 20 dwellings would be 'limited' when considering numbers alone. However, the scheme must also form 'a logical complement to the village and respect the existing pattern of development'.
- 5.32 The proposal would change the existing form and thus character of the village which comprises linear development along Main Road, turning the corner into Well Lane and then along Bampton Road. This latter section consists of a looser knit stretch of development but like the other two comprises mainly frontage buildings with some at right angles or along short tracks to the side. By contrast, the proposed development would comprise a housing estate, forming a cul-de-sac, which reaches into the landscape, beyond the existing built form.
- 5.33 However, the scheme has been reduced by five homes when compared to the previously refused scheme. While the submitted site plan is illustrative only (as the layout would be secured at reserved matters stage), this small reduction in homes is likely to result in a marked improvement in layout. The proposed scheme does not extend as deep into open countryside, nor does it attempt to fill the entire land parcel with housing. Instead, a more rural feel appears to have been achieved, with a larger amount of open space retained. Of note is that Dovecote Place contains 11 homes (12 if grange Farm is included) and officers consider the reduced 20 home scheme to be more reflective of the development at Dovecote Place.
- 5.34 The application site contributes to the rural ambience on the approach to Curbridge from the Bampton Road and this would be affected. The proposal would essentially turn a linear village into a more nucleated one. Officers acknowledge that the proposed scheme is an improvement to the previously refused scheme. However, officers still consider that the scheme would not form a logical complement to the existing pattern of development contrary to the second general principle in Policy OS2.
- 5.35 In addition to not forming a logical complement to the existing pattern of development, previous decisions have identified the land between Well Lane and Main Road to be 'open space that makes an important contribution to the character of the village' (para 23 of the appeal). It stands to reason that the application site, being between Well Lane and Main Road, also contributes to the rural character of the village.
- 5.36 The development site forms part of a wedge of open land, which separates the development along Well Lane from that along Main Road. The two fields are fairly featureless in themselves and overlooked by existing built development but their gentle slopes, boundary hedgerows and the riparian vegetation along Elm Bank Ditch combine to form a pleasant rural area within the heart of the village.
- 5.37 While the development site is not designated as 'public open space' it does have a Public Right of Way running through the entire site and the views from this PRow would be changed by introducing built form adjacent to a 70m stretch of the route. Thereby urbanising this rural area and altering the experience of those who walk along the PRow.
- 5.38 Whilst a large amount of the 'wedge' would be retained, as this scheme would infill a corner portion of this open area, it would obscure views beyond the development into the wedge that remains, arguably increasing the appearance of the urbanisation of the site.

- 5.39 Thus, the proposal would involve the loss of an area of open space that makes an important contribution to the character of the village, conflicting with another general principle of OS2.
- 5.40 The proposal does not respect the village character and local distinctiveness; it would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. These are the same issues that were found in the previous assessment. However, the current scheme is less harmful than the previous.
- 5.41 The proposal does not accord with the provisions of Policy OS2 of the Local Plan with regards to matters of character and appearance. Furthermore, the scheme would conflict with Policies OS4 and EH2 of the Local Plan, which, amongst other things, requires that development be of high quality design, which contributes to local distinctiveness and conserves natural features. While this policy conflict remains, in light of the reduced housing numbers, the increase in open space and the better layout that could be achieved at reserved matters stage, officers consider this policy conflict to be moderate.

Heritage Impacts

- 5.42 The grade II listed Building 'Thatched Cottage' abuts the northern boundary of the site and the development may affect its setting. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.43 Local Plan Policies EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.
- 5.44 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 5.45 With regard to the impact to Thatched Cottage. The applicants planning statement (7.54) notes that 'the principal special interest of the building derives from its age, materials, form and architectural composition' and officers agree with this statement. However, the planning statement goes on to state 'with the site contributing little to its special interest' and officers strongly disagree with this conclusion.
- 5.46 Historic OS maps from 1875-1887 show Thatched Cottage to be part of a semi-detached pair with open land stretching in depth to the south. This open area (the development site) has remained open through the OS maps iterations between 1875 and today. While Curbridge site has urbanised to the north and north west, the land to south and south west of the listed building has remained open and formed part of the landscape surrounding the listed building for at least 147 years. As such, officers consider that the rural setting of Thatched Cottage contributes to its significance as a listed building and this setting would be significantly altered by the urbanisation of the land, causing harm to its setting. This harm is considered to be less than substantial.

- 5.47 For clarity, three Grade II listed buildings are also present to the north of Thatched Cottage (Charity Farm, Charity Barn, and Manor Farm). The rural nature of the development site also contributes to their settings. However, when considering that they sit on the northern side of Main Road, separated from the site by the highway (and have been separated since at least 1875), are a minimum of 77m from the development site and that sporadic built form exists between those listed buildings and the development site. Officers consider that the immediate rural setting of those listed buildings is predominately to the north, east and west and to a lesser degree, the south. Therefore, while the proposed scheme will affect their settings too, it is not considered to be harmful.
- 5.48 Officers have identified harm to the setting of Thatched Cottage by virtue of the loss of its agricultural setting. This harm is considered to be 'less than substantial'. Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'
- 5.49 In terms of public benefits. The proposed development would add up to 20 dwellings to West Oxfordshire Council housing stock. Of the up to 20 dwellings, 40% (up to 8 homes) would be affordable homes. In addition, the planning statement notes that 3 self-build dwellings are proposed. The provision of self-build and affordable dwellings will help to meet the Councils need for these units.
- 5.50 Economic benefits will arise from the construction of the development and economic benefits for Curbridge and the wider area are likely from the increase in population. However, these are commensurate with the scale of development.
- 5.51 In light of the less than substantial harm found to the setting of the Thatched Cottage. Officers are satisfied, on balance, that the public benefits of the new homes (including the addition of self-build and affordable homes) and the economic public benefits found, outweigh the less substantial harm found.
- 5.52 The proposal therefore accords with Local Plan Policies EH9 and EH11, and the NPPF insofar as they apply to the impact of the proposed development on listed buildings; and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Archaeology

- 5.53 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality design) all seek to conserve archaeology. Policy EH9 is clear in that 'archaeological remains.....are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss'.
- 5.54 The County Council Archaeologist commented that the site 'is located in an area of archaeological interest to the south of a Roman settlement and cemetery excavated in the 1970s and 1980s. The excavation recorded 30 inhumations dating between c110AD and 310AD along with evidence of Roman occupation. A recent geophysical survey undertaken 500m south of the proposed development site has recorded a series of enclosures and linear features which are thought to date to the later prehistoric period'.

5.55 It is therefore likely that further archaeological features related to the later prehistoric and Roman settlement of the area could survive on the site that would be impacted by this development. As such, a programme of archaeological evaluation and mitigation will need to be undertaken ahead of any development of the site. The County Council Archaeologist is satisfied that this could be conditioned and officers have no reason to disagree. Should permission be granted, these could be applied.

Highway Safety

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

5.57 OCC Highways initially objected to the previous scheme. However, OCC later removed their objection. Ultimately, the previous scheme was acceptable in transport terms and the current application proposes five less homes. OCC have noted that 'there is no reason for objection to this application for fewer dwellings'.

5.58 The application is in outline and seeks to approve an access to the site. OCC Highways are satisfied with the access as proposed and the likely highway safety impacts. The remaining points raised could be controlled at reserved matters stage and condition discharge submissions, through an appropriately worded clause in the planning obligation, and to enter into a S278 agreement to mitigate the impact of the development. As such, the development is safe in highway safety terms and there are no highway grounds for refusal.

Drainage and Flood Risk

5.59 The site is within flood zone I. The Lead Local Flood Authority (LLFA) at OCC have raised objections to the current scheme. However, these objections relate to technical matters. Of note is that the larger 25 home scheme was acceptable to the LLFA, subject to a surface water drainage scheme condition being applied. Officers note the current objection, however in light of the previous stance of the LLFA and as the scheme is reduced, officers are satisfied that the impacts can be controlled by conditions and through the reserved matters stage.

5.60 Thames Water (TWA) have also raised no objection however, they are requesting conditions relating to foul drainage and surface water. These conditions will be applied.

5.61 For the previous scheme, TWA stated that 'the proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains'. However, that is not included in the current comment from TWA. In light of the reduced proposal, officers must infer that the proposal does not affect the strategic water mains.

5.62 Neighbour comments demonstrate that parts of the site is subject to localised surface water flooding. However, the previous scheme was found to be acceptable in flood risk terms and the current scheme proposes less built form. As such, officers are satisfied that while the site does flood in places occasionally, it would be possible to introduce measures to alleviate this by way of an engineering solution and this does not constitute a reason for refusal in this instance.

5.63 Officers note the number of comments received relating to foul drainage (sewerage) issues in the area. Officers are aware that this issue is an inconvenience; however, it does not form a refusal

reason in this instance and there is a condition requiring foul drainage capacity to be agreed before occupation.

5.64 As the proposed dwellings will be in flood zone 1 and in light of the previous scheme, officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere.

Trees and Ecology

5.65 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.66 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.67 The previous scheme was acceptable in biodiversity terms and the current scheme proposes less built form. Nonetheless, an updated Preliminary Ecological Appraisal is submitted to support the application. Habitats on site are considered to be that of common and widespread habitat types, the main changes between the ecological survey in 2021 and the updated walkover undertaken in 2022 is the removal of the agricultural building and replacement with hard-standing. Due to the limited intrinsic value of the site, it is concluded that the site offers sub-optimal habitat for protected and priority species, with no signs of presence recorded.

5.68 The applicant has submitted a measurable biodiversity net gain using the 3.1 Defra metric, which has demonstrated an on-site biodiversity net gain of 10.15% in habitat units, 18.14% in hedgerow units and 20.80% in river units. The scheme therefore will result in biodiversity net gain at the site.

5.69 It is important to note that the Council's biodiversity officer did not object to the larger scheme, nor are they objecting to the current scheme. However, a number of conditions are suggested and these will be applied.

5.70 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. This is subject to further details that could be controlled at reserved matters and condition discharge submissions. As such, the proposals would not have an unacceptable effect on biodiversity and the proposal accords with Policy EH3 in that regard.

Residential Amenities

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

5.72 With regard to contaminated land and potential risk to human health. The WODC Technical Officer (Contamination) recommends that a desk study and if required, a remediation scheme be secured by condition and this can be applied.

5.73 At this stage, officers do not have any concerns with regard to the impact to residential amenities from the development. Further assessment would be undertaken at the reserved matters stage.

Public Rights of Way

5.74 A Public Right of Way runs through and adjacent to the site. The indicative plan that is submitted to support the application shows that the PRow would be retained within the development. As such, this connectivity would not be lost.

5.75 Officers note that the PRow would likely be inaccessible during the construction phase. However, this would be a short term impact. Officers are satisfied therefore that the proposed scheme would not result in the loss of the Public Right of Way and the connectivity to the wider PRow network would be retained.

Sustainability

5.76 A comment was received from the Council's Climate Change Manager detailing a number of points. The application is for outline consent and as such, some of the points raised can be addressed at reserved matters stage.

S106 matters

5.77 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.

5.78 Policy H3 requires that 40% of the homes are provided as affordable housing. The applicant proposes 40% Affordable Delivery on Site.

5.79 OCC seek the following contributions:

- Education contributions of £129,960 for secondary education.
- Household Waste Recycling Centre Contribution of £1,879.
- £ 22,660 towards public transport services (The provision of public transport services in Curbridge).
- £ 20,000 towards Public Rights of Way (Improvements to the Public Rights of Way in the vicinity of the development)
- £ 17,842 towards public transport infrastructure (if not dealt with under S278/S38 agreement) (Provision of a bus shelter and two poles, flags and timetable cases).

5.80 OCC also require the Applicant to enter into S278/S38 agreement(s) to mitigate the impact of the development.

5.81 The Parish Council cover letter requested contributions for an upgrade of the Play Area and that the loss of the parking area for the Parish Hall would have to be addressed and a replacement area fully funded including providing further parking on the area known as 'The Chippings'. Paragraph 57 of the NPPF states 'Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.82 Considering the size of the development, the resultant minimal increase in children, and that the development itself does not appear to effect the parking area for the Parish Hall. Officers have considered the requests from the Parish Council and do not consider they would meet the tests.

Conclusion and Planning Balance

5.83 As the LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11 of the NPPF applies. 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.

5.84 With regard to policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. This includes the impact to listed buildings (Thatched Cottage in this case). The proposed development would harm the setting of Thatched Cottage by virtue of the loss of the agricultural setting. However, officers are satisfied, on balance, that the public benefits of the new homes (including the addition of self-build and affordable homes) and the economic public benefits found, outweigh the less substantial harm found to the setting of Thatched Cottage.

5.85 Moving to the balancing exercise as required by the NPPF, taking the benefits of the proposal first. The proposed development would add up to 20 dwellings to West Oxfordshire Council housing stock. In light of the lack of a 5YHLS and the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF), this attracts significant positive weight.

5.86 Of the up to 20 dwellings, 40% (up to 8 homes) would be affordable homes, this attracts significant positive weight.

5.87 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts moderate positive weight.

5.88 Financial contributions to local services/infrastructure through a Section 106 agreement are required. While these are required to mitigate the impact of the scheme, this is a positive impact.

5.89 Biodiversity net gain would be achieved. This attracts modest weight commensurate with the scale of development.

5.90 The planning Statement notes that 3 self-build dwellings would be secured. 3 self-build dwellings were also proposed for the previously refused scheme. The previous application for this site only

afforded modest positive weight in the assessment for these self build units. However, in a recent appeal decision at Land to the rear of Brock Cottage, Burford Road, Brize Norton for the provision of two Self-Build/Custom Housebuilding plots. The Inspector noted in point 34 that 'the Council has fallen well short of granting suitable planning permissions to meet the identified SBCH [self build and custom housing] demand. Although the contribution to SBCH supply would be small, the extent of the shortfall, the statutory SBCH duty, and the identified economic and social benefits would cumulatively amount to substantial weight in the balance'. The application at Land to the rear of Brock Cottage proposed two self build plots and that attracted significant weight in the assessment. As the current scheme proposes three self build plots, it stands to reason that these would attract significant positive weight and not the modest positive weight previous thought.

- 5.91 Moving to the adverse impacts. The proposal does not respect the village character and local distinctiveness; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Curbridge; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. As explained in this report, when considering the reduced scale of development, this resultant harm is considered to be moderate and thus moderate negative weight is assigned to these harms.
- 5.92 It is vital that Local Planning Authorities issue consistent decisions, particularly for similar development proposals on the same site. The background to this site is that up to 25 homes were refused on this site in August 2022. Therefore, a material change must occur that would warrant the LPA coming to a different conclusion than the previous refusal. The current scheme proposes up to 20 homes, it is officer opinion that this small reduction in homes would result in a marked improvement to the layout that could be secured at reserved matters stage. In addition, the self build appeal referenced was issued after the previous Committee Report for 22/00744/OUT (25 homes) was published. This appeal decision and the reduction in housing numbers are material changes.
- 5.93 Officers note that the reduced housing numbers would result in less adverse impacts. However, it stands to reason that with less homes, comes less benefits. In theory, the same outcome should be achieved. However, a recent appeal decision has shifted the weight afforded to self build/custom housing plots. As such, the benefits have increased, whereas the adverse impacts have reduced. Officers consider that these changes are sufficiently material to warrant coming to a different conclusion.
- 5.94 Turning to the planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.
- 5.95 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal 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 appearance, landscaping, layout and scale (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 hereby approved, full details of the means of access between the land and the highway on Main Road, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Policies T1, T2, T3 and T4 of the Local Plan and the National Planning Policy Framework.

5. Prior to the commencement of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, will be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall also include:

- A compliance report to demonstrate Standards and Guidance for Surface Water Drainage on Major Development with 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 Sustainable Urban Drainage (SUDS) proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details;
- Consent for any connections required into third party drainage systems;
- Maintenance plan for the surface water systems and
- A timetable for phased implementation.

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

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

For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

7. Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once submitted and approved the details contained in the plan shall be adhered to.

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

8. 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 in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

9. 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.

REASON: To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

10. 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 in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

11. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- I. Risk assessment of potentially damaging construction activities;
- II. Identification of 'biodiversity protection zones';
- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- IV. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- V. The times during construction when specialists ecologists need to be present on site to oversee works;
- VI. Details of the storage of equipment, waste and materials;
- VII. Responsible persons and lines of communication;
- VIII. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- IX. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- X. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, 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.

12. An Ecological Design Strategy (EDS) 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. Details of planting such as, native species-rich hedgerow planting, species-rich grassland, scrub planting and marginal and aquatic planting of the SuDS pond;
- II. Type, source and number of materials to be used where appropriate, e.g. native fruiting and pollinating species of local provenance;
- III. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- IV. Details of integrated bird and bat boxes, tree mounted bird and bat boxes, hedgehog friendly fencing, hedgehog boxes and bee bricks;
- V. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To protect and enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of West Oxfordshire Local Plan and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

13. 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 10.15% in habitat units, 18.14% in hedgerow units and 20.80% in river units;
 - 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.

14. 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.

15. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

16. No development shall be occupied until confirmation has been provided that either:-

1. Surface water capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

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

17. 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 Local Plan Policies EH9, EH15, EH16 and OS4, and the NPPF.

18. Following the approval of the Written Scheme of Investigation referred to in the previous condition, 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 Plan Policies EH9, EH15, EH16 and OS4, and the NPPF.

19. 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

INFORMATIVES :-

- 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.

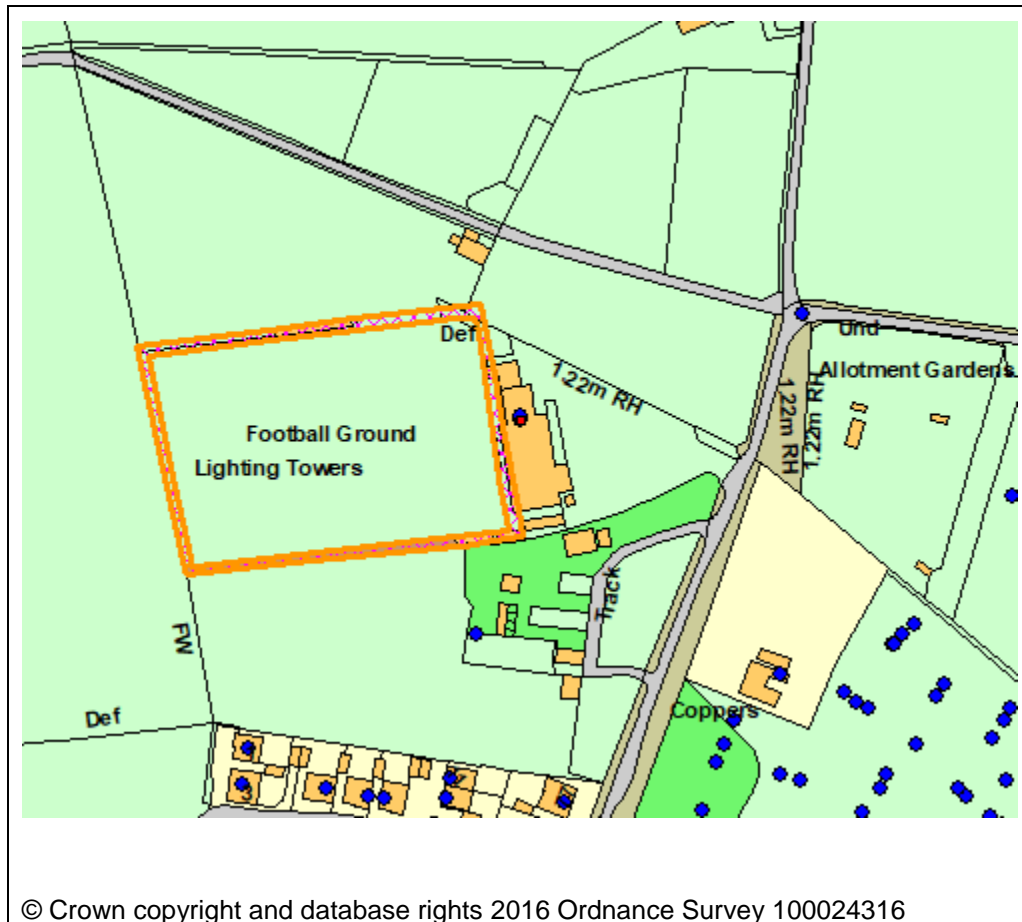
In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works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

- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the public highway, shall be undertaken within the context of a legal Agreement (such as Section 278/38 Agreements) between the applicant and the Highway Authority.
- Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Contact Officer: David Ditchett
Telephone Number: 01993 861649
Date: 15th March 2023

Application Number	23/00291/FUL
Site Address	Carterton Football Club Swinbrook Road Carterton Oxfordshire OX18 1DY
Date	15th March 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427694 E 208678 N
Committee Date	27th March 2023

Location Map



Application Details:

Installation of 6 x 15m LED floodlight masts to replace existing floodlights.

Applicant Details:

Mr Philip Godfrey
Carterton Football Club
Swinbrook Road
Carterton
Oxfordshire OX18 1DY

I CONSULTATIONS

Parish Council	Made comments in support of the Planning Application
WODC Env Health - Lowlands	<p>Thank you for the opportunity to consult.</p> <p>I have no objection in principle. I recommend the following condition:</p> <ul style="list-style-type: none">• The floodlights hereby permitted shall only be illuminated when the pitch directly lit by the floodlights are in use for sports training or the playing of sport.• The maximum luminance of each floodlight shall not exceed the approved luminance.• The number of floodlights per column shall be in accordance with the details provided on the plan received by the Authority on 2 February 2023.
District Ecologist	<p>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.</p>
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>
WODC - Sports	No Comment Received.
Sport England South East	This being the case, Sport England does not wish to raise an objection to this application.

Adjacent Parish Council

No Comment Received.

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. A former application was submitted under reference 22/02956/FUL but was returned to the applicant prior to determination.

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
- Biodiversity
- Environmental Health
- 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, the application complies with the relevant policies and therefore the principle of development has been met. 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 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 visual amenity of 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.

Highways

5.14 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

5.15 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.

Environmental Health

5.16 WODC Environmental Health Team were consulted on the application due to the change in provision for the floodlights in which they commented that they have no objections to the scheme subject to conditions. Officers have considered two of the conditions mirror the existing conditions placed on the application as it was requested that the floodlights shall be in accordance with the plans submitted and that the luminaire should not exceed the approved. Officers have considered that this application and the plan condition secures both of these elements and a duplicate condition is not required. Officers have also considered that the condition "The floodlights hereby permitted shall only be illuminated when the pitch directly lit by the floodlights are in use for sports training or the playing of sport" is not a reasonable condition as the site is over 60m away from neighbouring properties and as detailed Officers have very limited concerns with light spill to properties.

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: 15th March 2023