

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 24th April 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.

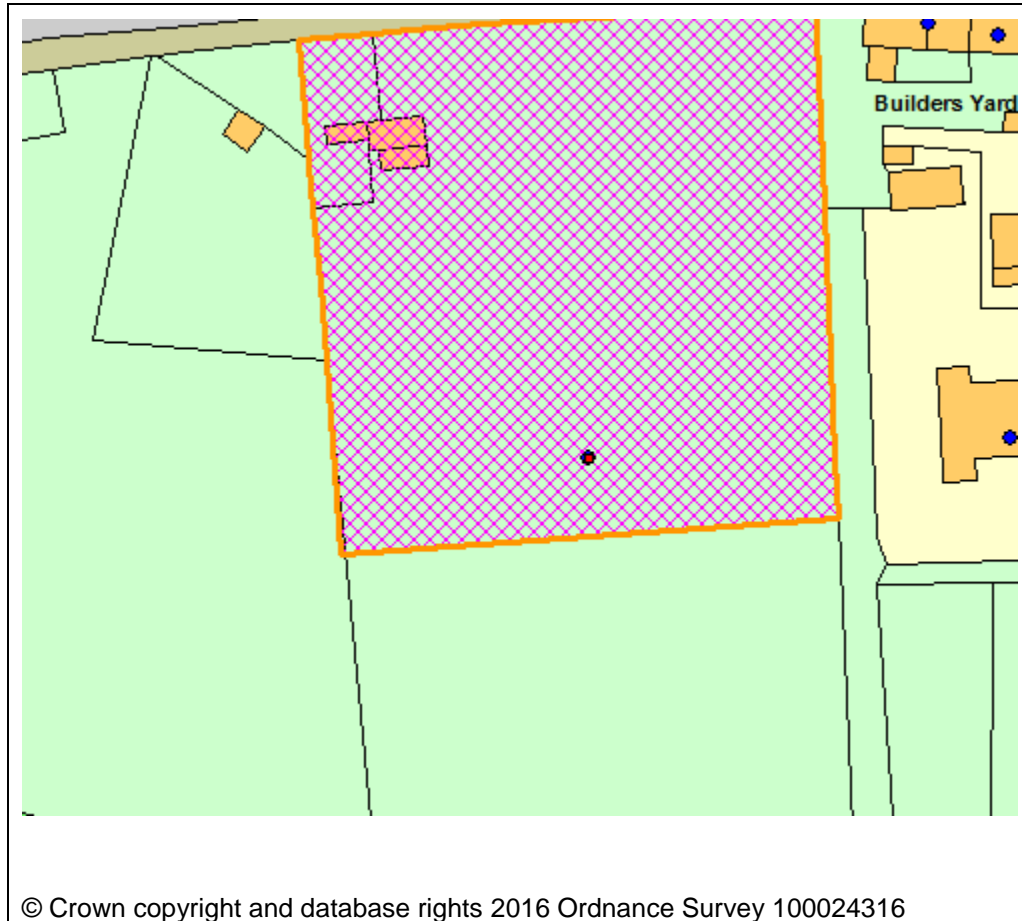
Please note that:

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

Item	Application Number	Address	Officer
13 - 41	22/03370/FUL	Land West Of Colt House Aston Road	David Ditchett
42 - 65	22/03539/FUL	Land (E) 429494 (N) 207689 Monahan Way	David Ditchett
66 - 69	23/00103/LBC	35 - 37 Woodgreen Witney	Tara Hayek
70 - 75	23/00120/FUL	17 Carmello Close Carterton	Clare Anscombe
76 - 83	23/00286/FUL	90 Raleigh Crescent Witney	Rebekah Orriss
84 - 87	23/00330/LBC	35 - 37 Woodgreen Witney	Tara Hayek

Application Number	22/03370/FUL
Site Address	Land West Of Colt House Aston Road Bampton Oxfordshire
Date	12th April 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432174 E 203201 N
Committee Date	24th April 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 23/03/2023
I've now had the chance to look at this again, specifically the objections and revised s/w strategy that have been submitted since my previous comments were made.

The revised strategy is clearly not the detailed design, so is not complete yet. However, I note that no calculations are included to size the attenuation volumes required (permeable paving and swales) prior to a restricted discharge into the watercourse. This has been suggested at 2.2 l/s, but there are no figures to indicate what the existing peak Greenfield runoff rates or Q_{bar} are.

My comments on the objections -

The sewage network is already at full capacity, and untreated sewage is already being discharged into the Shill Brook - *Have Thames Water been consulted on this application as it doesn't appear so ?*

The site was previously refused planning permission partly on the grounds it had failed the sequential test - *this refers to 14/0993/P/OP for 116 dwellings. That site was obviously a lot bigger and part of it was within Floodzones 2 and 3. The new application is completely within Floodzone 1.*

The site has a flooding history in that it regularly floods with moderately heavy rain, including from water flowing down Mount Owen Road - *the soakage test results indicate there is poor infiltration on the site. Were the development to be approved, the drainage strategy would have to ensure all surface water on site/resulting from the development could be disposed of without increasing flood risk to the site or surrounding properties.*

The quantity of water flowing along the ditches to Aston Road has increased since the Taylor Wimpey Homes Estate and Cala Homes developments were built - *neither of those sites should be discharging into a watercourse at a rate greater than pre-existing Q_{bar} rate.*

The Shill Brook is very close to the site and ditches/surface water generally drain towards it. There are regular EA flood warnings during high rainfall - *discharge from the development, if given permission, should not exceed existing Qbar rate.*

Regarding the requirement for a sequential test, that wouldn't apply due to the Floodzone the site's in, but as it is reportedly historically flooded from runoff from Mount Owen Road (and possibly from the ditch system), would that be sufficient to request one at this stage? The other important matter to address is the apparent existing lack of capacity in the TW foul network and the resultant untreated discharge/s to the watercourse/s, which could require an upgrading of their network before any further houses are built/occupied.

WODC Planning Policy
Manager

No Comment Received.

WODC Housing Enabler

Having had the opportunity to review the application I am able comment from a housing perspective:

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.

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.

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).

WODC Drainage Engineers

No Comment Received.

WODC Env Health - Lowlands

03/01/2023

Noise:

Thank you for the opportunity to consult.

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

- 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.

16/03/2023

Contaminated Land Officer:

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

- Geo consulting engineering ltd. Desk Study , Land off Aston Road, Bampton. Report GCE01219/RI. November 2022.

The report outlines the findings of a desk based study and makes recommendations for further investigations.

It is agreed that further investigation is required to characterise the potential risk posed to human health receptors. The potential risk posed by the neighbouring former gas works does not appear to have been fully considered. There is potential that the former gas holder was partially buried and as such there may be an area of infilled ground on the neighbouring site. Has the need for ground gas monitoring been considered?

As further investigation is required please consider adding the following condition to any grant of permission.

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

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

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

District Ecologist

No objection subject conditions

Environment Agency

This planning application is for development we do not wish to be consulted on. Please see the attached which was issued to your council to screen applications before sending to us.

Please only consult us on planning applications that fall within the categories in the attached list. Ensuring your Authority ONLY consult us on the development we wish to comment on saves time for both our organisations which can be better spent on other higher risk developments requiring our input.

Thames Water

Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.

Should the details of the application change, we would welcome the opportunity to be re-consulted.

Newt Officer

No Comment Received.

Parish Council

Bampton Parish Council is strongly opposed to this development on the grounds that:

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.

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

13/01/2023

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.

12 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

I 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 The application was previously heard at the Lowlands Area Planning Sub-Committee on 27th March 2023. Members deferred the application for a site visit to be held on 24th April at 10am to enable Members to view the connections from the site to Bampton.
- 5.13 During the 27th March 2023 meeting, Members requested that officers seek the formal position of Thames Water, the formal position of the Environment Agency, and to enable solar panels to be included in the scheme to complement the already proposed air source heat pumps.
- 5.14 The comments received from the Environment Agency and Thames Water are included in the consultation section above. However, to summarise, Thames Water have 'no comments to make at this time' and the Environment Agency stated that 'This planning application is for development we do not wish to be consulted on' as it does not fall within any of the criteria for the EA to be consulted.
- 5.15 While the formal comment from Thames Water is one of 'no comment', the applicant has completed their own enquiries. A letter from Thames Water to the applicant is within the case file which confirms that 'there will be sufficient sewerage capacity in the nearby foul water sewer network to serve your development'.
- 5.16 The applicant has submitted a plan showing solar panels and air source heat pumps. The wording of condition 13 is updated to secure the details and provision of the solar panels and air source heat pumps.
- 5.17 While not requested by Members, the applicant has also provided a plan showing pedestrian visibility splays and where the pedestrian crossing may be located. OCC were not consulted on these details as they are for information only, OCC are content that final pedestrian crossing details can be secured by condition (condition 11).
- 5.18 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

5.19 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.

5.20 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).

5.21 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.

5.22 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.

5.23 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

5.24 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.

5.25 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.

5.26 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).

5.27 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.

5.28 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

5.29 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.

5.30 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.

5.31 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.

5.32 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.

5.33 The Inspector for application ref 13/1309/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'.

5.34 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.

5.35 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.

5.36 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.

- 5.37 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.
- 5.38 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.
- 5.39 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.
- 5.40 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.
- 5.41 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.

Heritage Impacts

- 5.42 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.
- 5.43 Local Plan Policies EH9 (Historic environment) and EH10 (Conservation areas) 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 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.

- 5.46 The Inspector for application ref I3/I309/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'.
- 5.47 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 any 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'.
- 5.48 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.
- 5.49 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.'
- 5.50 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.
- 5.51 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.
- 5.52 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.

5.53 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

5.54 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'.

5.55 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'.

5.56 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

5.57 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.

5.58 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.

5.59 Officers are satisfied that safe and suitable access for all users can be achieved. Indeed, OCC highways have no objections 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

5.60 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.

5.61 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.

5.62 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'.

5.63 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.

5.64 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.

5.65 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

5.66 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'.

5.67 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.

5.68 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.

5.69 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.

5.70 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 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 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.

5.72 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.

5.73 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

5.74 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'.

5.75 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).

5.76 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.....).

5.77 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%'.

5.78 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'.

5.79 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)'.

5.80 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'.

5.81 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

5.82 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

5.83 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 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.

5.85 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.

5.86 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.

- 5.87 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 modest positive weight.
- 5.88 Biodiversity net gain would be achieved. This attracts modest weight commensurate with the scale of development.
- 5.89 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. Solar panels are also proposed. 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 and solar panels attracts moderate weight in support of the proposal.
- 5.90 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.
- 5.91 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.
- 5.92 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 and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details 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.

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

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

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

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

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 (VI.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Non-statutory technical standards for sustainable drainage systems (March 2015)

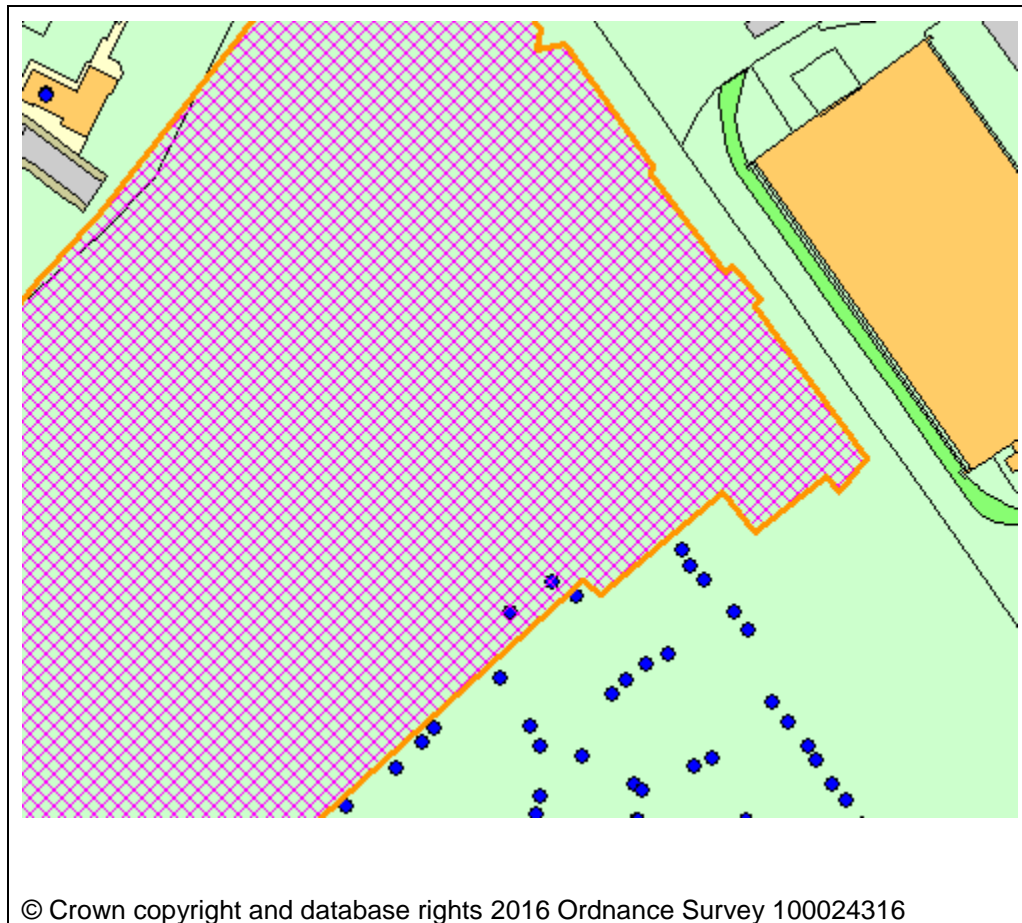
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 12th April 2023

Application Number	22/03539/FUL
Site Address	Land (E) 429494 (N) 207689 Monahan Way Carterton Oxfordshire
Date	12th April 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Brize Norton Parish Council
Grid Reference	429494 E 207689 N
Committee Date	24th April 2023

Location Map



Application Details:

Construction of 99 dwellings (to include 35 affordable homes), garages, estate roads and drainage infrastructure.

Applicant Details:
Mr Andrew Winstone
Rudgeway House
Celandine Road
Walton Cardiff
Tewkesbury
Gloucestershire
GL20 7FU

I CONSULTATIONS

Major Planning Applications
Team

24/02/2023

Highways: No Objection subject to conditions and obligations

LLFA: Objection-

Detailed drainage drawings for phase 3b required.

Compliance report to be provided to clarify how phase 3b will follow the outline strategy which was agreed upon initially.

Detailed calculations to be provided for phase 3B.

Clarify the proposed SuDS that will be included in phase 3B.

Provide flood exceedance plan.

Education: No Objection subject to S106 contributions

Waste: No objection subject to S106 contributions

District Ecologist

No objection subject to conditions

TV Police-Crime Prevention
Design Advisor

Having looked at the document WE088-SL-3004 C, I offer the following advice in the hope that it will assist the applicants in creating a safer and more sustainable development:

Having looked at the layout and the house designs across the site, I have noted that most if not all house types have at least one blank elevation. The car parking spaces for many dwellings are alongside the blank elevation, meaning the car parking space is not visible from the dwelling it serves. I have included some examples below. This is more problematic around the outside of the site (North, East and west flanks) as there are no other dwellings afforded sight into these car parking spaces.

Recommendation Either consider moving the parking spaces forward so the dwelling can have view. Alt add a ground floor active room window to the blank elevations.

Parking for the Lawrence house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 775)

Parking for the Hillcott house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 770)

Parking for the Wixham house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 768, 769)

Parking for the Worsley house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 767)

Parking for the Locke house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 796)

Parking for the Southey house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 790)

Parking for the Sedley house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 783)

Parking for the Wyatt house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 729)

Parking for the Harwood house design should be within downstairs active room windows, parking should not be positions against a blank elevation (plot 727)

Ensure there is lockable gated rear access across the site and this is placed as close to the front of the building line as possible (for example between plots 765 &764, 759&757, 776, 774, 735& 736, 740 this list is not exhaustive)

To aid the applicant moving forward the following link is provided, where best practise and design guides can be found. These documents support The National Planning Policy Framework (NPPF) guidance to ensure crime and disorder or the fear of crime does not undermine quality of life or community cohesion.

<https://www.securedbydesign.com/guidance/design-guides>

The above comments are made on behalf of Thames Valley Police and relate to crime prevention design only. I hope that you find these comments of assistance. If you have any queries relating to crime prevention design, please do not hesitate to contact myself.

WODC Planning Policy Manager No Comment Received.

WODC Landscape And Forestry Officer No Comment Received.

Environment Agency No Comment Received.

Thames Water

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that all foul water network upgrades required to accommodate the additional flows from the development have been completed. Network reinforcement works are likely to 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.

Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that all surface water network upgrades required to accommodate the additional flows from the development have been completed. Network reinforcement works are likely to 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.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

[https://www.thameswater.co.uk/developers/larger-scale-](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

[developments/planning-your-development/working-near-our-pipes](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

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

Supplementary Comments

A clean water modelling study for this development was completed in August 2022 and shows there is sufficient capacity. The developer must adhere to the information in the modelling report. The developer must contact Thames Water if there are any changes to this development, as we would consider this a material change and would need to be reconsulted.

ERS Air Quality

No Comment Received.

WODC Env Health - Lowlands

No objection, provided that the recommendations in the deposited noise impact assessment supplied by E3P with regard to background (trickle) ventilation and mechanical ventilation to wet rooms is implemented.

I would ask for the following conditions to be attached to any consent granted:

1: Hours of work during site preparation and construction be limited to 08:00-18:00 Mondays to Fridays, 08:00-13:00 on Saturdays with no working on Sundays or Bank Holidays.

2: A Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of any work. The plan shall include, but not be limited to, details on how noise and dust are to be minimised during site preparation and construction. It may also include details of

material storage, site welfare facilities, delivery times and contractor parking.

Reason: To protect the amenity of the neighbourhood.

WODC Housing Enabler

Having had the opportunity to review the application I am able comment from an affordable housing perspective:

The site is within the low value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 35% of the completed dwellings as affordable housing. The application includes an Affordable Housing Statement indicating that this requirement will be observed and proposes a policy compliant housing mix of 66% rental homes, 25% First Homes and 9% shared ownership.

The application is also policy compliant in terms of required house sizes in the affordable housing mix.

Affordable housing for rental will be provided at Social Rent tenure. Having examined those who are registered on the Council's Homeseeker+ affordable housing lettings system that have indicated Carterton, Brize Norton or both as an area of preference, I can confirm the following house types are required to meet housing need:

1 Bed	587
2 Bed	220
3 Bed	80
4+ Bed	42
Total	929

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	11
Silver	130
Bronze	788
Total	929

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

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 929 applicants shown above, there are a further 1591 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

I request that the applicant provides a layout and schedule of plots (market and affordable housing) designed to meet Building Regulation requirements M4(2) and M4(3) as required by Local Plan Policy H4.

WODC - Arts

No Comment Received.

WODC - Sports

No Comment Received.

Oxford Clinical Commissioning Group NHS

No objection subject to financial contributions of £85,536.00.

Natural England

No Comment Received.

Climate

I have reviewed the Sustainability Statement for 22/03539/FUL Land (E) 429494 (N) 207689 Monahan Way, Carterton.

A Net zero carbon

- The proposed development has been designed to be compliant with the 2021 iteration of Part L. It is stated that energy demand would be minimised through a fabric first approach, including the use of low U-values. Building fabric should be designed to standards of ultralow energy demand. A residential energy use intensity (EUI) target of <35 kwh/m2.yr should be met. 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.
- Passive design measures would be prioritised through solar lighting and natural ventilation. Opportunities for cooling and shading will be maximised. Thermal comfort and the

risk of overheating should be assessed in accordance with CIBSE TM52.

- Gas-fired boilers with low NO_x emissions are proposed. It is imperative that the development is fossil fuel free and alternative heating systems are installed, for example heat pumps or a fully electrified system, rather than gas boilers.
- Approximately 126kWp rooftop photovoltaic panels would be installed to generate renewable electricity onsite. The development should achieve a zero-operational carbon balance and deliver 100% of energy using renewables. Total kWh/yr of energy consumption of the buildings should be included, accounting for both regulated and unregulated energy, on the site, and the total kWh/yr of energy generation by renewables to show that the zero carbon operational balance is met.
- Construction materials would be specified so that 'whole life costs' are manageable. Lifecycle modelling should be carried out to assess embodied carbon. The development should minimise embodied carbon emissions.

B Travel

- Provisions should be made to support home working, for example home study, dedicated space, shared community work space.
- It is stated that the site is accessible via a range of walking and cycling infrastructure and by various public transport nodes. 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. Multimodal interchanges should be considered. Include details of routes and facilities, for example cycle parking, SMART bus stops.
- The applicant should explain how shared mobility would be facilitated, 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

- New dwellings would achieve water use below 110 l/p/d through the specification of water efficient components. RIBA 2030 Climate Challenge sets out targets for portable water use. A minimum of < 95 l/p/day should be achieved < 75 l/p/day strived for. Water efficiency calculations are required for a cross section of homes that are representative of the development.
- Water conservation measures should be included, for example water butts or more advanced systems.
- A sustainable urban drainage strategy is proposed. OCC, as the LLFA, should advise on its suitability for the site.

D Waste

- The construction company should be registered with the Considerate Construction Scheme.
- It is stated that construction waste reduction and recycling should be considered. A Site Waste Management Plan should be followed and targets be set for construction waste recycling and disposal.
- Storage space for waste and recycling would be provided in dedicated storage areas in an accessible location in each rear garden of the proposed homes. The applicant should justify why the rear of the property is convenient.

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.

NPCU (Formerly GOSE)

No Comment Received.

MOD MOD (Brize Norton)

No Comment Received.

Major Planning Applications Team

06/04/2023

Highways: OCC's Transport Officer has reviewed the submitted drawings and comments as follows:

- The road layout drawing appears reasonable. However, we typically request the carriageway is 5.5m in width within 15m of a junction. In addition, we would require a Road Safety Audit (RSA stage 1) on the long section of the roads to be provided. Also, the submitted vehicle tracking plans are acceptable

LLFA: Objection-

- Detailed drainage drawings for phase 3b required.
- Compliance report to be provided to clarify how phase 3b will follow the outline strategy which was agreed upon initially.
- Detailed calculations to be provided for phase 3B.

District Ecologist

No Comment Received.

Parish Council

05/04/2023

BNPC notes that five affordable properties on the eastern edge of the development are to be replaced with five 'open market' properties.

Likewise, five 'open market' properties within the site are to be replaced with five affordable properties.

BNPC also notes that significant additional conditions have now been placed on this development. The Parish Council has no objections to the application for these 'significant amendments'

Major Planning Applications Team

No Comment Received.

Parish Council

08/02/2023

Thank you for inviting Brize Norton Parish Council to comment on application. 22/03539/FUL - Construction of 99 dwellings.

BNPC notes that through efficient use of land, there is available space within the agreed 'footprint' for housing use, which was detailed in the original planning application 14/0091/P/POP, to construct an additional 99 dwellings.

As this application does not exceed the originally approved land area for housing, the Parish Council has no objections to this application.

2 REPRESENTATIONS

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

1 general comment received relating to:

1. Foul water
2. Surface water
3. Thames Water comment
4. Condition should be placed on this planning, as advised by Thames Water

2.2 A detailed submission from Windrush Against Sewage Pollution (WASP) is available online setting out points relating to sewage and Thames Water.

3 APPLICANT'S CASE

- 3.1 The applicants Planning Statement concludes as follows:
- 3.2 The application site is situated within the Brize Meadow development by Bloor Homes, which benefits from extant outline planning permission for a mixed use development comprising 700 dwellings, a local centre and a primary school within the Parish of Brize Norton.
- 3.3 Approval for this full planning application for 99 dwellings will provide the future opportunity to increase the overall residential capacity of the Brize Meadow site on undeveloped land which is already allocated for housing within the development. This will allow a more efficient use of land where the principle of housing development is agreed through an outline planning permission
- 3.4 The full planning application is compliant with the approved plans associated with the outline planning permission such as those set out in the Design and Access Statement and the agreed Design Code.
- 3.5 The proposal will secure planning benefits such as affordable housing, new footpath connections to the extensive open spaces on the Brize Meadow development and Section 106 financial contributions. The absence of a five year supply of housing land means that additional weight should be given to the provision of new housing in the planning balance which is undertaken by the District Council.
- 3.6 In accordance with Paragraph 11 of the NPPF and Policy OS1 of the adopted Development Plan, policies which are most important for determine this application should be considered out of date, and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework. It has been demonstrated through Section 7 that there are no adverse impacts, and therefore the benefits of the provision of housing in an area with identified shortfall significantly and demonstrably outweigh the impacts.
- 3.7 The full planning application for 99 dwellings accords with the extant outline planning permission, together with relevant housing and design-led policies of the Local Plan which. This allows efficient use of land within Brize Norton, which is adjacent to the second largest town within the District
- 3.8 The site is also readily available and deliverable, given that construction of the wider extant planning permission is underway. This will ensure build continuity.
- 3.9 It is recommended that the full planning application is supported and planning permission is granted subject to the completion of a Section 106 planning obligation.

4 PLANNING POLICIES

NPPF 2021
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
DESGUI West Oxfordshire Design Guide
CA5 Carterton sub-area strategy
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The proposal is for the 'Construction of 99 dwellings (to include 35 affordable homes), garages, estate roads and drainage infrastructure'.

5.2 The site is located in the eastern part of the Brize Meadow mixed use development, which includes residential dwellings, a local centre and a school, east of Monahan Way. The site is bounded by housing under construction to the west of the site. The southern boundary adjoins Phase 3a of the Brize Meadow development which is the subject of an approved reserved matters application for 164 dwellings (Reference 22/02064/RES). It is located west of RAF buildings including a recently constructed radar tower. To the east of the site is Public Open Space and the country park, as developed under the extant outline planning permission. The northern edge of the site adjoins existing housing development which forms part of Brize Meadow.

5.3 The application site forms part of a wider development that was subject of an outline planning permission, which was granted on 1st March 2018 (Reference 14/0091/P/OP). The application description is;

Development comprising up to 700 houses, an employment area of 1.5 hectares (use classes B1 and B8, together with car showroom use which is sui generis), a local centre of 1 hectare (use classes A1 to A5, B1(a), C1, C2, C3, D1 and D2), a primary school with a site of 2.2 hectares, playing fields, allotments, informal open space, landscaping, drainage improvements and associated engineering works such as highways, cycleways and footways.

5.4 The reserved matters planning approvals for the five residential phases to date are as follows:

- Phase 1A - 77 dwellings approved on 21st November 2018, Reference 18/01539/RES.
- Phase 1B - 144 dwellings approved on 5th June 2019, Reference 19/00105/RES.
- Phase 1C - 33 dwellings approved 5th November 2019, Reference 19/02121/RES.
- Phase 2 - 282 dwellings approved 26th March 2021, Reference 20/02017/RES.
- Phase 3a - 164 dwellings, approved 18th November 2022, Reference 22/02064/RES.
- Country Park and Public Open Space - approved 5th October 2022, Reference 21/02727/RES.

- Local centre, approved 14th December 2021, Reference 21/00937/RES.

5.5 A total of 700 dwellings are now approved against the outline permission for 700 dwellings. The limit of 700 dwellings in the outline permission has now been reached, hence the need for a full planning application for additional 99 dwellings in Phase 3b.

5.6 Officers raised concerns with the location of the affordable housing and revised plans were submitted attempting to address the issues.

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

- Principle of Development;
- Siting, Design, and Form;
- Highway Safety;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities;
- Affordable Housing and Mix;
- S106 Matters;
- Other Matters; and
- Conclusion and Planning Balance

Principle of Development

5.8 The principle of development is already established by the extant outline planning permission for 700 dwellings, which was granted in March 2018.

National Policy

5.9 Notwithstanding that the principle of development is established, 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.

5.10 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.

- 5.11 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (Identified in footnote 8).
- 5.12 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.
- 5.13 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

Siting, Design and Form

- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 The site forms the final phase (Phase 3b) of the wider Brize Meadow site and is surrounded by existing housing to the north, RAF buildings to the east, housing under construction or proposed housing associated with the wider site to the south and west. As such, it is bounded by built (or proposed) built form.
- 5.18 The houses are designed in an arts and crafts style. While this application stands alone as a Full Planning Application, the design follows the principles approved in the Brize Meadow Masterplan and Design Code to remain wholly in context with its surroundings.
- 5.19 In terms of density calculations, the density proposed is broadly consistent with the wider Brize Meadow development which are as follows:
- Phase 1 (A, B, and C) - 254 units - 40 dph

- Phase 2 - 282 units - 39.5 dph
- Phase 3A - 164 units - 40 dph
- Phase 3B - 99 units - 40 dph

5.20 Turning to material distribution, on Phase 3B 20% of plots have chimneys and 24% of houses are to be built with recon stone, compared to 21% and 26% respectively on Phase 3A, thus reinforcing Phase 3B's broad consistency with the adjoining consented phase in terms of design detailing and external materials.

5.21 The proposed development clearly takes cues from the wider development and indeed from the adjoining Phase 3a. Officers consider that the proposed scheme will integrate successfully into the site and its surroundings.

Highway Safety

5.22 The proposal is part of a wider development, which can be accessed on foot or by vehicle with connections throughout the wider area. In addition, parking is proposed for all the homes.

5.23 Officers are satisfied that safe and suitable access for all users can be achieved and sufficient parking is proposed. Indeed, OCC highways have not objected to the scheme, subject to conditions and financial contributions, all of which will be applied/sought. As such, the development is safe in highway safety terms and there are no highway grounds for refusal.

Drainage and Flood Risk

5.24 The proposed development site is wholly within flood zone I and forms part of a wider development of 700 homes, a local centre and a school. The Lead Local Flood Authority (LLFA) at OCC have raised objections to the current scheme. However, these objections relate to technical matters. In the context of the drainage scheme agreed for the wider development, officers are satisfied that the outstanding LLFA objections can be addressed by a 'prior to commencement' drainage condition.

5.25 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.

5.26 As the proposed dwellings will be in flood zone I and in light of the history of the site, officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere.

Trees and Ecology

5.27 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 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.

5.29 The ecological report has confirmed the habitats on-site are that of common and widespread habitat types, offering limited suitability for protected and priority species. In addition, given the

proposal is adjacent to the wider Carterton development, the site has been used for storage, evidenced by tracks and bare ground, further limiting the likelihood of protected species on-site. Despite this, dispersal is possible between the proposed site and the wider landscape therefore, the above WODC's precautionary method of working statement condition is recommended.

- 5.30 The applicant has demonstrated a measurable biodiversity net gain in habitat units on-site. The submitted technical note demonstrates hedgerow planting can be incorporated into the development, the submitted BNG metric appears to be missing the hedgerow baseline, creation and enhancement spreadsheets however, given that hedgerows are not currently present, it is felt the applicant has demonstrated a net gain in hedgerow units can be achieved. A biodiversity management and monitoring plan is recommended to ensure onsite biodiversity net gain, as detailed in the submitted report is secured and maintained for the required 30-year period.
- 5.31 A lighting scheme, and bat/bird boxes will be secured by conditions.
- 5.32 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.
- 5.33 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. As such, the proposals would not have an unacceptable effect on biodiversity and the proposal accords with Policy EH3 in that regard.

Residential Amenities

- 5.34 The proposed dwellings are appropriately located throughout the development to ensure that loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts are unlikely. In addition, noise, pollution (including light), odours or vibration impacts are also unlikely. Officers are satisfied that the development is acceptable in amenity terms.

Affordable Housing and Mix

- 5.35 The site is within the low value zone. As such, 35% of the completed dwellings must be affordable housing. The application includes an Affordable Housing Statement indicating that this requirement will be provided and proposes a policy compliant housing mix of 66% rental homes, 25% First Homes and 9% shared ownership. The application is also policy compliant in terms of required house sizes in the affordable housing mix.
- 5.36 Affordable housing for rental will be provided at Social Rent tenure.
- 5.37 The mix and quantity of affordable housing meets the requirements of Local Plan Policies H3 and H4. However, officers raised concerns that the cluster of affordable housing in the northern and eastern sections of the site would create an 'enclave' and requested these be dispersed throughout the development. In response, the applicant moved 5 of the affordable homes further into the site and placed 5 open market homes on the eastern periphery. While this is an improvement, officers consider that it does not go far enough. Affordable housing is for those who cannot afford open market housing, thus their choices are limited. Arguably, the affordable housing in this application is located in the worst area of the site in terms of outlook by looking out onto utilitarian RAF buildings and a radar tower. Officers acknowledge that the block of 19 affordable homes are broken up by two detached open market corner plots, however, the affordable homes are grouped together in one corner, rather than being dispersed throughout the scheme.

5.38 The Council's 'Affordable Housing Supplementary Planning Document (SPD)' states 'affordable units should be distributed evenly in clusters throughout the development where practicable to promote social inclusion and mixed communities'. Officers do not consider that affordable homes are evenly distributed. Thus, this will have an impact on social cohesion and the living conditions of the occupiers of these in terms of outlook.

SI06 Matters

5.39 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.

5.40 Policy H3 requires that 35% of the homes are provided as affordable housing. The applicant proposes 35% Affordable Delivery on Site.

5.41 OCC seek the following contributions:

- Highway works £308,351
- Public transport services £133,650
- Travel Plan Monitoring £1558
- Secondary education £571,824
- Special education £62,819
- Waste £9,302

5.42 The developer has contributed previously to Brize Norton Parish Council for the wider scheme. As the current scheme proposes an additional 99 homes over the outline permission, contributions towards improvements to Community Assets should also be sought for this current application. There are two projects which will receive funding, and these are the Elder Bank Hall extension and the replacement of the Sports Pavilion. An amount of £310,000 is requested.

5.43 The NHS are seeking NHS £85,536 as there are insufficient Consulting rooms to cope with increased population growth as a direct result of the increase in dwelling numbers. Officers acknowledge this request however officers are aware of the recent court case where the LPA did not secure the contributions requested by the NHS. In R (on the application of University Hospitals of Leicester NHS Trust) v Harborough DC [2023] EWHC 263 (admin) the High Court dismissed a challenge to a local planning authority's decision to grant planning permission for up to 2,750 dwellings without requiring the developers to make a contribution to the local NHS Trust under s106 of the Town & Country Planning Act 1990.

5.44 In short, the trust requested a financial contribution of £914,452 from the developer towards the cost of health care provision for the residents of the development. It was operating at full capacity and argued that the new development would give rise to a shortfall in grant funding since that funding is based on the previous year's activities. The local planning authority decided that the trust's request did not meet the requirements of s122 of the Community Infrastructure Levy Regulations 2010. The local authority felt that the trust had failed to show that their funding arrangements could not address the issue of population growth satisfactorily.

5.45 Whilst the court stopped short of determining whether s106 obligations in respect of NHS services are lawful, this case provides valuable guidance as to the appropriate approach to requests for such contributions in the determination of planning applications. In light of this decision, officers have queried the position of the NHS in regard to their request and this request for funding will be explored through the S106 process, should Members resolve to approve the application.

5.46 The trim trail equipment to be sited along the country park path to the east of the site will be secured through the S106 as the location of the equipment falls outside of the red line.

Other Matters

5.47 Thames Valley Police suggested a series of design changes as set out above. Bloor conducted a review of the layout and consider that no amendments are necessary to address the comments from Thames Valley Police. The layout provides good levels of passive surveillance of on plot parking spaces, consistent with the previously approved phases of Brize Meadow. However, lockable gates will be provided. As the current layout is broadly consistent with the wider development, officers agree with the applicant and consider that the risk of crime would be low for the site.

Conclusion and Planning Balance

5.48 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.

5.49 Taking the benefits of the proposal first. The proposed development would add 99 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.

5.50 Of the up to 99 dwellings, 35% (35 homes) would be affordable homes, this attracts significant positive weight.

5.51 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 to significant positive weight.

5.52 Biodiversity net gain would be achieved. This attracts moderate positive weight commensurate with the scale of development.

5.53 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.

5.54 Moving to the adverse impacts. Officers consider that the affordable housing is not evenly distributed. Thus, this will have an impact on social cohesion and the living conditions of the occupiers of these homes in terms of outlook. This attracts moderate to significant negative weight.

5.55 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.

5.56 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

6 CONDITIONS

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

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

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

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

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

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

4. Prior to 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.

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

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

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

REASON: Control is needed to maintain acceptable amenity and preserve the character areas.

7. 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.

8. 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.

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

10. 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.

11. Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

REASON: To encourage the use of sustainable modes of transport

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

This should identify among others; the routing of construction vehicles, access arrangements for construction vehicles, Details of times for construction traffic and delivery vehicles, which must be outside the network peak and school peak hours to minimize the impact on the surrounding highway network).

The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

REASON: In the interests of Highway safety.

13. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed electric vehicle charging provision for vehicles to be accommodated within the site, has been submitted to and approved in writing by the Local Planning Authority. The

approved electric vehicle charging provision facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings.

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

14. Prior to first occupation, a Residential Travel Information Pack should be submitted to the Local Planning Authority for approval. The Residential Travel Information Pack shall be distributed to the first occupiers of the development.

REASON: To encourage the use of sustainable modes of transport.

15. Before first occupation of any building, details of the vehicular and pedestrian accesses, driveways and turning areas, vehicle and cycle parking facilities that serve the dwellings shall be constructed, and laid out, surfaced, drained in accordance with specifications shall be submitted to the Local Planning Authority for approval.

REASON: in the interest of highway safety

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

17. 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.

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

- I. Description and evaluation of features to be managed, including locations shown on a site map;
- II. Landscape and ecological trends and constraints on site that might influence management;
- III. Aims and objectives of management, including ensuring the delivery of 1.92 habitat units and 0.64 hedgerow 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.

19. Before development takes place, details of the provision of integrated bat roosting features (bat tubes/boxes/bricks), integrated nesting opportunities for birds (swift bricks, house martin nest cups, starling boxes, house sparrow terraces) shall be submitted to the local planning authority for approval, including a technical drawing(s) showing the types of features, their locations within the site and their positions and elevations. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

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

INFORMATIVES :-

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

For further guidance please visit:

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

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

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

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

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

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

- West Oxfordshire District Council's Precautionary Method of Working document can be found here: <https://www.westoxon.gov.uk/planning-and-building/wildlife-andbiodiversity/biodiversity-specifications/>
- 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.

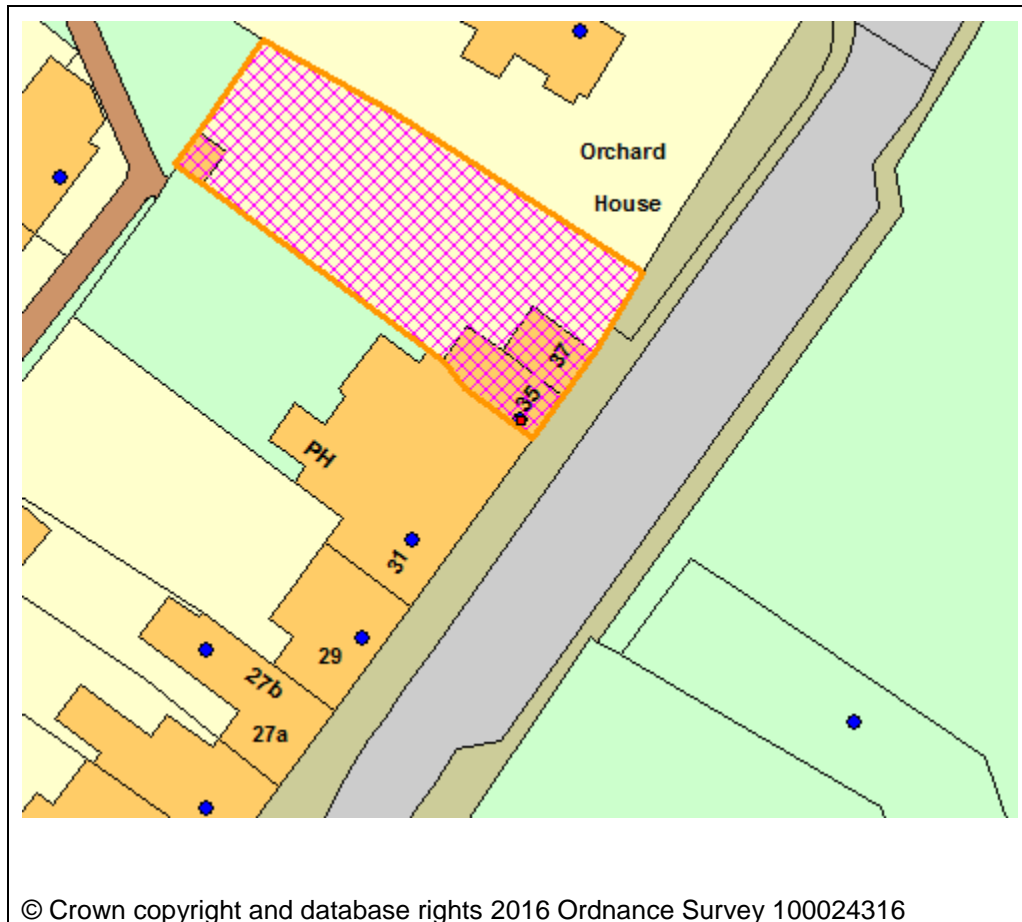
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 12th April 2023

Application Number	23/00103/LBC
Site Address	35 - 37 Woodgreen Witney Oxfordshire OX28 1DG
Date	12th April 2023
Officer	Tara Hayek
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	436007 E 210572 N
Committee Date	24th April 2023

Location Map



Application Details:

Internal alterations to include the installation of underfloor heating together with the replacement of kitchen and dining room floor tiles.

Applicant Details:

Mrs Katy Lysley
35-37 Woodgreen
Witney
Oxon
OX28 1DG

1 CONSULTATIONS

Conservation And Design
Officer

No Objections

Parish Council

Witney Town Council has no objections regarding this application.

Historic England

No comments

2 REPRESENTATIONS

2.1 No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 The applicants Design and Access Statement states:

3.2 Our C18 Cotswold cottage has a terracotta tiled floor in the family room which is historically inappropriate and makes for a colder room which is allowing damp to increase and damage the listed fabric. I propose to replace the floor with electric under floor heating and the new surface will be limestone which will more closely resemble the original flooring while allowing the house to be more environmentally friendly and habitable thus conserving the building. The existing kitchen has non-original flagstone tiles and we would like to replace with limestone so the floor remains the same between the new extension, kitchen and family room. Our new approved extension will be having wet underfloor heating within it and a limestone floor in keeping with the character of a Cotswold stone cottage.

4 PLANNING POLICIES

NPPF 2021

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 The application seeks listed building consent for Internal alterations to include the installation of underfloor heating together with the replacement of kitchen and dining room floor tiles to a Grade II listed property at 35-37 Woodgreen, Witney.

- 5.2 The property is Grade II Listed with the following description:
Two houses. Mid C18. Coursed limestone rubble; gabled stone slate roof; brick end stacks. 2-unit plan. 2 storeys and attic; 3-window range. Timber lintels over adjacent plank doors to centre and late C19/C20 twilight casements with glazing bars. Two gabled roof dormers with similar casements. Interior not inspected.
- 5.3 The application is before Members of the Lowlands Area Planning Sub-Committee as the applicant is related to a Councillor and that Councillor sits on the Planning Sub-Committee.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Impact on the Heritage Asset

- 5.5 35-37 Woodgreen is a Grade II Listed Building dating from the mid-18th century. It is located in Witney and Cogges Conservation Area.
- 5.6 Because 35-37 Woodgreen is Grade II listed, the Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.7 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.
- 5.8 In this case Officers consider that because the proposal will not harm any historic fabric and, it will ensure that the character of the principal listed building is preserved.
- 5.9 Also, the property is located in the Conservation Area, and 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 and enhancing the character or appearance of that area.
- 5.10 And, the proposed changes will not impact on the Conservation Area thus respecting the special qualities and historic context of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 5.11 The Local Planning Authority has 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. The works are considered to preserve the special character, setting and significance of the listed building, and of the Conservation area. As such, listed building consent should be granted.

Conclusion

5.12 In this case, Officers are satisfied that the proposal will not cause harm to historic fabric and the proposal will preserve the character and appearance of the principal listed building and the Conservation Area.

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. 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.

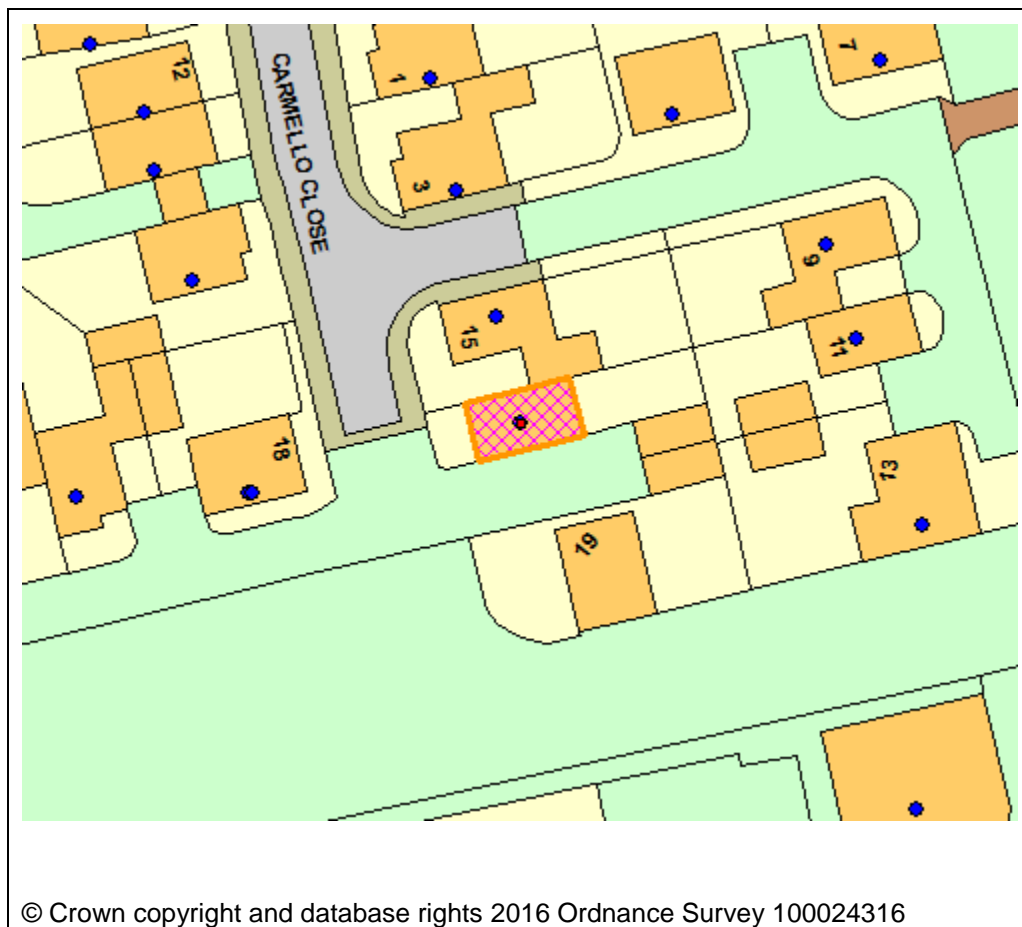
Contact Officer: Tara Hayek

Telephone Number: 01993 861666

Date: 12th April 2023

Application Number	23/00120/FUL
Site Address	17 Carmello Close Carterton Oxfordshire OX18 1DJ
Date	12th April 2023
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427818 E 208305 N
Committee Date	24th April 2023

Location Map



Application Details:

Part conversion of domestic garage to hair dressing salon to include insertion of a door and window to side elevation (retrospective)

Applicant Details:

Mrs Sophie King
17 Carmella close
Carterton
Carterton
Oxfordshire
OX18 1DJ

I CONSULTATIONS

OCC Highways

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

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 Env Health - Lowlands

No objection in principle, with the following conditions suggested:

- The business hereby permitted shall not operate outside the following hours; Monday 9:00 to 14:00, Tuesday 9:15 to 20:00, Wednesday 9:15 to 17:00, Thursday 9:15 to 20:00, Friday 9:15 to 19:00 and no working on Saturday and Sunday.
- The use hereby permitted shall be limited to one client only at the property at any time.

Parish Council

Objection:-

The Committee expressed concerns over the running of a commercial business in a residential setting, particularly in relation to increased parking, and ask that Officers bear in mind the recommendation of Environmental Health regarding hours of operation.

Parish Council

No Comment Received.

2 REPRESENTATIONS

- 2.1 One comment has been received from a third party neither objecting to or supporting the application.
- 2.2 One comment has been received from a third party supporting the application on the grounds that the change of use has not caused them any noise disturbance or inconvenience with regards to parking.
- 2.3 No third party comments have been received objecting to the application

3 APPLICANT'S CASE

- 3.1 The application form describes the proposed development as follows:
- 3.2 The division of the garage in half, one half being used as a garage and the other half being used as a home hair salon. The number of existing car parking spaces and proposed spaces is stated as 4.
- 3.3 The applicant has submitted some additional comments since submitting the application further setting out their case. The applicant states that the use does not impact the residential area as only one client is allowed in the salon at a time and because there is sufficient space for clients to park on the driveway. They also state that noise is kept to a minimum because of the scale and type of use and that there will be no adverse impact on neighbours from lighting. The applicant has stated that they are willing to restrict their working hours if required to minimise any potential adverse impacts on neighbours.

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

H6NEW Existing housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH8 Environmental protection

CA5 Carterton sub-area strategy

NPPF 2021

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

5 PLANNING ASSESSMENT

- 5.1 The application relates to part of an existing domestic garage located in a residential area to the east of Carmello Close in Carterton. The application has been submitted in response to enforcement investigations at the site and is therefore a retrospective application.

5.2 The proposed development is to convert part of an existing domestic garage to a hair dressing salon including the insertion of a door and window to the side elevation. The applicant has confirmed that only one client makes use of the salon at any one time.

5.3 The application is brought before Members of the Lowlands Area Planning Committee as the officer views are contrary to the views of Carterton Town Council.

5.4 The site does not fall within any areas of special designated control.

5.5 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;
- Impact on amenity; and
- Impact on highway safety and parking.

The Principle of Development

5.6 The site falls within the built up area of the main service centre of Carterton, as identified in Table 4b of the Settlement hierarchy of the West Oxfordshire Local Plan (2011-2031). Policy OS2 of the Local Plan states that a significant proportion of new jobs will be focused within and on the edge of the main service centre of Carterton. Policy CA5 (Carterton sub-area strategy) seeks to focus employment in Carterton. Policy H6 (Existing housing) considers changes to existing housing and states that alterations to existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area. The development is therefore considered to be acceptable in principle subject to impact on highway safety, parking and amenity.

Impact on amenity

5.7 The site falls within a predominantly residential area. The applicant has confirmed that the salon is only used by one client at a time and the salon opening hours are as follows: Mondays 9:00 - 14:00, Tuesdays 9:15 - 20:00, Wednesdays 9.15 - 17:00, Thursdays 9.15 - 20:00, Fridays 9.15 - 19:00, Saturdays - closed and Sundays - closed. The floorspace for conversion amounts to approximately 7.5 metres squared.

5.8 In terms of impact on amenity, the Environmental Health Officer has been consulted and does not have any objection in principle subject to the inclusion of a planning condition restricting the opening hours of the business and number of clients at any one time to protect the amenity of adjacent residential occupiers and the residential character of the locality. The proposed new window and door are located at ground level and so would not have a detrimental impact on the amenity of neighbouring residents by way of overlooking.

5.9 Due to the small scale of the hair salon use and subject to conditions, Officers do not consider that the conversion would have a detrimental impact on the residential character of the surrounding area or unacceptably affect the environment or amenity of neighbouring residents by loss of privacy, overlooking, loss of light, overbearing, overshadowing impacts, noise, pollution (including light), odours or vibration.

Impact on highway safety and parking

- 5.10 Policy T1 and T3 of the Local Plan encourage new development to be located within areas where the need to travel by private car can be minimised. The development is located within close proximity of the local bus network which provides connections into Carterton and beyond. Policy T2 requires all development to demonstrate an acceptable degree of impact on the local highway network. Paragraph 111 of the National Planning Policy Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. The Highways Officer has been consulted and it is considered that the development would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
- 5.11 Policy T4 of the Local Plan seeks to ensure that parking is provided in accordance with adopted parking standards. It is not expected that the development will significantly increase car parking demand as the applicant has confirmed that they only have one client at any one time. The adopted 'Parking standards for New Developments' (2022) state that for a non-residential use falling within Class E (Commercial, Business and Services), 1 vehicle space should be provided per 30sqm of floorspace and 1 cycle parking space is required per 50sqm for customers. The area of floorspace for conversion is circa 7.5m and so additional parking spaces are not required. A car parking space is available in the forecourt of the garage should this be needed.
- 5.12 The development is therefore considered to be acceptable on highway and parking grounds. As such, there are no highway grounds for refusal.

Conclusion

- 5.13 Taking into consideration planning policy, third party representations and other relevant material considerations, the development complies with the main relevant policies OS2, OS4, H6, CA5, T1, T2, T3, T4 and EH8 of the West Oxfordshire Local Plan (2011-2031).
- 5.14 Therefore, the application is recommended for approval, subject to conditions.

6 CONDITIONS

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

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

2. The business hereby permitted shall not operate outside the following hours; Monday 9:00 to 14:00, Tuesday 9:15 to 20:00, Wednesday 9:15 to 17:00, Thursday 9:15 to 20:00, Friday 9:15 to 19:00 and no working on Saturday and Sunday.

REASON: To protect the amenity of adjacent residential occupiers and the residential character of the locality.

3. The use hereby permitted shall be limited to one client only at the property at any time.

REASON: To protect the amenity of adjacent residential occupiers and the residential character of the locality.

INFORMATIVES :-

- Please note that you may also need to apply for building regulations approval. Please call the Building Control team on 01993 861651 or email building.control@westoxon.gov.uk to discuss your project so that the necessary building regulations approval can be sought.

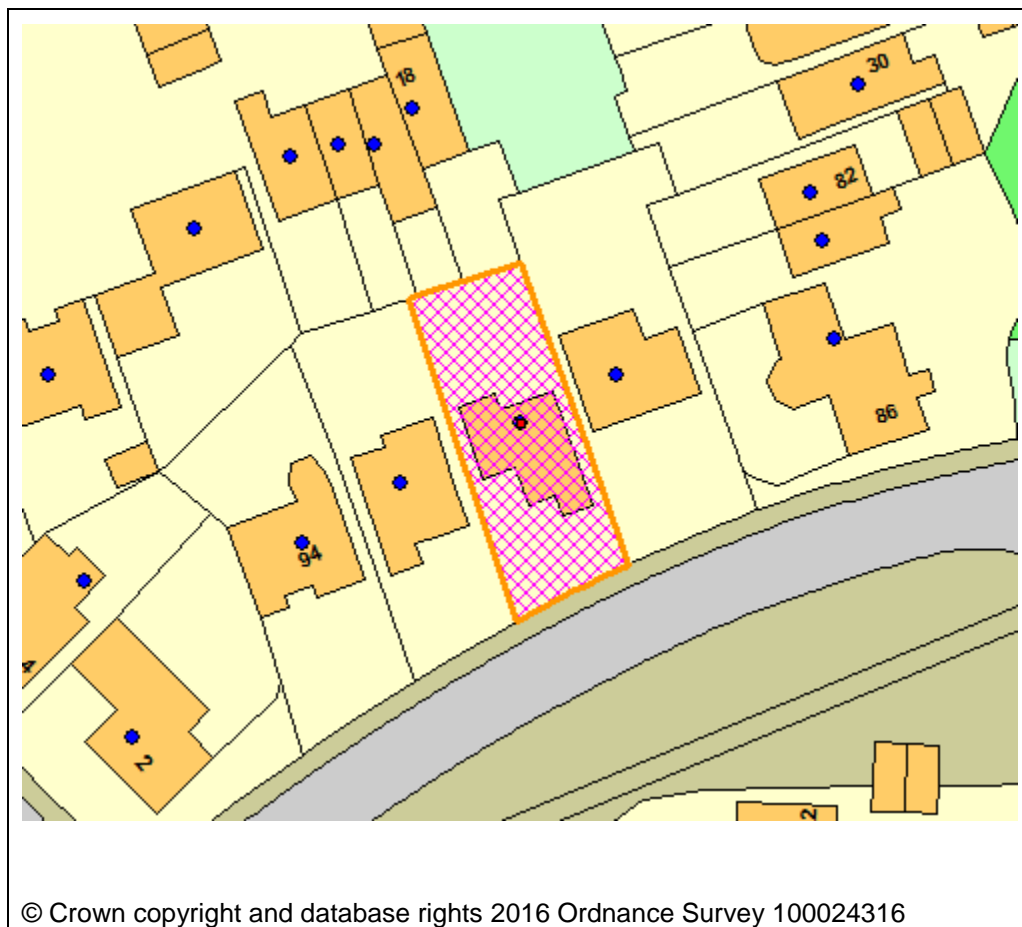
Contact Officer: Clare Anscombe

Telephone Number:

Date: 12th April 2023

Application Number	23/00286/FUL
Site Address	90 Raleigh Crescent Witney Oxfordshire OX28 5FY
Date	12th April 2023
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433893 E 209691 N
Committee Date	24th April 2023

Location Map



Application Details:

Retrospective planning application for the flexible use of part of the dwelling as a gym/personal training space and residential accommodation in association with the main dwelling

Applicant Details:

Mr Daniel Phipps
90 Raleigh Crescent
Witney
Oxfordshire
OX28 5FY

I CONSULTATIONS

Parish Council

Witney Town Council object to this application. The scale of the operation is inappropriate in this residential area. The associated issues of noise disturbance, light disturbance, excessive vehicle movements and parking are detrimental to residents of neighbouring properties. Policy OS2 requires that development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Further, Policy OS4 requires that development not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.

OCC Highways

No Comment Received.

WODC Env Health - Lowlands

I do have some reservations over this application due to the potential for noise disturbance to neighbours. One neighbour has mentioned hearing weights being dropped, and problem has been experienced at other gym locations. There is, however, mention of sound absorbing tiles being fitted to help reduce this problem.

There is also potential for disturbance from clients coming and going from the premises.

No formal complaint has been received so I would ask if temporary permission could be granted to allow time to see if these potential issues become a problem and for solutions to be found if they are. If permission is granted, temporary or otherwise I would ask for the following conditions to be attached (as proposed by the applicant):

1. Business use will only take place between the following hours:

07:00 - 20:00 Monday - Friday

08:00 - 17:00 on Saturday

11:00- 16:00 on Sunday

2. There will be a maximum of three clients at any one time.

3. The business will not exceed more than 38 hours of operation per week

2 REPRESENTATIONS

2.1 Third party representations have been received, 17 Support comments, 4 objection comments and 2 general comment. The comments made on this application can be viewed in full on the WODC website, however your officers have provided the following summary:

The following point have been made in support of the application:

- No disturbances are heard outside while others are training inside
- One parking space in the driveway which is available for clients
- Usually no cars present outside the property or on road
- Many clients walk to the studio
- The applicant tried to reduce sound impact through sound deadening flooring
- Music is kept low so that clients can hear training
- The gym provides a space for people in the local area to train
- The gym has benefited many people's mental and physical health, this proposal will allow this to continue
- The application allows for the applicant to work from home

The following points have been made against the application:

- Neighbours are disturbed by parking on the road
- Neighbours are disturbed by clients coming and going at all times of days
- Neighbours can hear gym equipment and vibrations can be heard through the walls

Two general representations were received

- Both suggested that temporary consent is granted to allow more time to assess the impacts.

3 APPLICANT'S CASE

The full document can be viewed in full on the WODC planning website but, the supporting Planning Statement summarises the applicant's case as follows:

This application seeks to permit the use of an existing extension as ancillary residential accommodation and for gym/personal training use; flexible use. The application submission pack demonstrates that there is policy support for uses relating to and promoting active and healthy lifestyles. The site is sustainably located within the development boundary of Witney, with sustainable transport choices for clients.

There is no harm to neighbouring amenity, in accordance with Policy EH8 and OS2 of the local plan. No external changes are proposed which would cause any undue impact by way of overshadowing, overlooking or loss of privacy to neighbouring properties.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

H6NEW Existing housing
EH8 Environmental protection
T4NEW Parking provision
NPPF 2021

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

5 PLANNING ASSESSMENT

5 Background Information

- 5.1. This is a retrospective application resulting from an enforcement enquiry which seeks full permission for a flexible change of use of part of a dwelling from residential to gym/personal training space and residential accommodation at 90 Raleigh Crescent, Witney.
- 5.2. This application is brought before Members of the Lowlands Area Sub Planning Committee as Officer views are contrary to the views of Witney Town Council.
- 5.3. The application site relates to the ground floor of a side extension to a dwelling on the Deer Park estate in Witney, which is to be the subject of a flexible change of use from residential to personal training and residential. The main body of the house is to remain as residential. The dwelling is one of several detached dwellings along Raleigh Crescent, located in the Deer Park estate to the south-west of Witney. 90 Raleigh Crescent has detached neighbours on both sides, while the opposite side of road is formed by a wide grass verge and public footway. The gym studio which is the subject of this application is located to the rear of the ground floor of a two storey side extension to the left of the principle elevation, this side extension was approved under multiple subsequent applications.
- 5.4. The site does not fall into any designated areas.
- 5.5. An extension of time was sought to allow for the yellow site notice to be put up late, this extension was to ensure the notice was up for the full 21 days prior to the decision date. A second extension was sought to allow for the application to be put before Members.
- 5.6. Relevant Planning History:-
 - 17/00719/HHD - Demolition of attached garage and erection of new two storey side extension - Approved
 - 20/02050/HHD - Alterations and erection of single and two storey side extensions. – Approved
 - 21/02096/HHD - Proposed single and two storey side extensions and single storey rear extension – Approved
 - 22/00527/HHD - Proposed single and two storey side extension and single storey side extension (part retrospective) - Approved

Proposed Development

- 5.7. Proposed is a flexible change of use of the ground floor of a side extension from residential to gym/personal training studio. With sessions occurring Monday-Saturday. The applicant already carries out personal training sessions from this part of the dwelling. There are no proposed internal or external alterations to the dwelling.

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

- Principle of development
- Siting and scale of operations
- Residential amenity
- Highways

Principle

5.9. Witney is considered a main service centre within the West Oxfordshire Local Plan 2031 (WOLP), and is identified as a location which can support economic growth and supporting services.

5.10. Policy E5 (Local Services and community facilities) categorises indoor sports facilities as local services, the proposed personal training studio is therefore categorised as a local service. Policy E5 supports 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.

5.11. Paragraph 92 of the National Planning Policy Framework 2021 (NPPF) also states that decisions should aim to enable and support healthy lifestyles through infrastructure and services such as sports facilities. Paragraph 93 also states that decisions should plan positively for the provision of local services to enhance the sustainability of communities and residential environments.

5.12. This application proposes to retain and intensify the existing operations of the applicant's personal training services. Within the Deer Park estate there are no other commercial gyms or public sports facilities. The nearest commercial gym is the Evo Fitness and Wellness Centre across Deer Park Road, there are limited pedestrian crossings along this road to support access from the Deer Park Estate. This proposal therefore contributes to increasing access to fitness facilities within the immediate area and is supported in principle by policy E5.

5.13. However, your Officers recognise that the character of the Deer Park Estate is residential therefore for commercial development to be acceptable, the development must comply with policy OS2 and be compatible with adjacent uses and not harm the character of the area. Officers have carefully considered the potential impacts of the proposed change of use. While there is a natural level of comings and goings, and vehicle movements that is associated with living in residential areas, your Officers acknowledge that the proposed commercial use will likely produce patterns of use that may lead to disturbances which are out of character with the existing residential use. As such, your Officers have determined that the proposal is likely to be supportable in principle, subject to compliance with other relevant policies set out in the Local Plan.

Siting, Design and Form

5.14. Policy OS2 requires development to form a logical complement to the existing character of the area. OS2 also requires development to be of a proportionate and appropriate scale to its context with regard to the potential cumulative impact of development in the locality.

5.15. The proposed development is within the curtilage of an existing residential dwelling and in terms of design and form will not result in a change of the built form at the application site. The form of the development is therefore appropriate for the existing context.

- 5.16. The scale of the personal training operation has been reduced to a scale deemed appropriate for the residential context through the determination process. Conditions to limit the operations have been recommended. Your Officers have recommended a personal consent is granted to prevent the growth of the operations and the site of operation has also been limited to the ground floor of the side and rear extension for the same reason. Restrictions on operating hours and numbers of clients have also been recommended to limit the scale of operation.
- 5.17. Policy H6 requires sub-divisions of dwellings to respect the character of the surrounding area and not unacceptably affect the environment of people living or visiting that area. The applicant is proposing that part of the dwelling be flexibly used as a training space related to a personal training business and for personal use, therefore while the flexible nature of this proposal would not result in the permanent loss or sub-division of residential accommodation, during the hours of operation the ground floor of the side extension would act as a commercial gym space. Your Officers consider the nature of this business use to respect the character of the surrounding area with the recommended conditions restricting the operations applied.
- 5.18. This proposal therefore complies with policies OS2 and H6 of the West Oxfordshire Local Plan, the proposal is therefore acceptable in terms of its siting and scale of operation.

Highways

- 5.19. Raleigh Crescent is a wide road with dwellings only occurring on the side of 90 Raleigh Crescent, the other side being a wide grass verge and footway set back from the road. While some representations have been received concerning existing issues with parking a condition limiting personal training sessions to no more than 3 clients at a time means the proposal is unlikely to produce levels of use that would harm the residential character of the area.
- 5.20. The Highways Officer determined that the proposal if permitted would not have a significant detrimental impact on the adjacent highway network.
- 5.21. The proposal is therefore considered to accord with policy T4 of the WOLP and is acceptable on highways terms.

Residential Amenities

- 5.22. Policy OS4 of the WOLP requires development to not harm the use or enjoyment of land and buildings nearby including the living conditions in residential properties, and Policy OS2 states that development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. While policy EH8 states that new development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.
- 5.23. Given the nature of the development there will be no overbearing or loss of light. However, the frequent arrival and departure of clients may result in a loss of privacy and a disturbance of the residential setting. Representations have been made regarding impact on amenity from the existing use of the gym that was the subject of the previous enforcement case, with neighbours mentioning noise from weights inside the gym and disturbance from vehicle movements, including on-street parking.

- 5.24. With regard to the impact on neighbouring amenity this has been carefully assessed and the Environment Officer has been consulted.
- 5.25. The applicant has installed shock-absorbing flooring in the gym studio. The applicant has also stated that music is kept low during training sessions and this is supported by representations. Clients enter the studio through rear garden doors accessed by a side gate.
- 5.26. The Environment Officer has not raised an objection based on neighbouring amenity and concurred with the original proposed operating hours of 07:00-20:00 Monday-Friday, 11:00-16:00 Saturday and 11:00-16:00 Sundays.
- 5.27. However, resulting from the Environment Officers comments on disturbance from comings and goings your Officers sought shorter operating hours, restrictions on number of clients and also requested a noise management plan to be submitted prior to the implementation of this consent.
- 5.28. The resulting pattern of operation is as such:
The proposed operating hours are restricted to 10:00-20:00 on 3 days and 07:00-18:00 on two days Monday-Friday, and 08:00-17:00 Saturday. There will be no operation on Sundays or Bank Holidays. The operation is limited to 35 total hours per week, with no more than 8 clients in one day and no more than 3 clients in one session. The operation is limited to the inside ground floor area of the side and rear extension.
- 5.29. The proposed pattern of operation is considered to reduce the potential harms to an acceptable level which is compatible with the residential character of the area. In light of this assessment, your Officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP policies OS2, OS4 and EH8.

Other Matters

- 5.30. Witney Town Council have objected based on the scale of the operations, neighbouring amenity and highways impacts, while technical consultees have not objected on these grounds Officers do sympathise with the Town Council's concerns. A temporary grant of consent has been recommended to allow a reassessment of the impacts at the end of the consent period.

Conclusion

- 5.31. The recommendation to grant temporary permission has been taken having regard to the policies and proposals in the development plan set out above, as well as all other material considerations set out in the report.

6 CONDITIONS

1. The use hereby permitted shall be for a limited period of 1 year from the date of this notice.

REASON: The use is only justified in the light of the special circumstances of the case.

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 personal training/gym use shall only be operated for commercial purposes by the occupants of 90 Raleigh Crescent, Witney, OX28 5F and shall not be operated by third party or commercial enterprises.

REASON: The application is approved on the particular circumstances of the case and to be used other than its approved use will require further assessment with regards to amenity and parking.

4. The premises shall not be open for clients outside the hours of:

Monday and Friday 07:00-18:00;
Tuesday, Wednesday, Thursday 10:00 to 20:00;
Saturday 08:00-17:00

The premises shall not open for clients on Sundays or Bank Holidays. A schedule of appointments shall be kept and made available to the Local Planning Authority on request.

REASON: Control is required in the interests of protecting neighbouring amenity.

5. The premises shall not be open for clients for more than 35 hours per week. A schedule of appointments shall be kept and made available to the Local Planning Authority on request.

REASON: Control is required in the interests of protecting neighbouring amenity.

6. No more than 8 clients will be received per day, no more than 3 clients will be received in any one session and all clients shall be by appointment only.

REASON: Control is required in the interests of protecting neighbouring amenity.

7. The use hereby permitted shall be limited to the area outlined in green shown on submitted drawing 1620_202P05 (Plan and elevations).

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

8. A noise management plan shall be submitted to the Local Planning Authority for approval within 3 months of the date of this permission. The approved noise management plan shall be implemented in full and shall be adhered to in perpetuity.

REASON: Control is required in the interests of protecting neighbouring amenity.

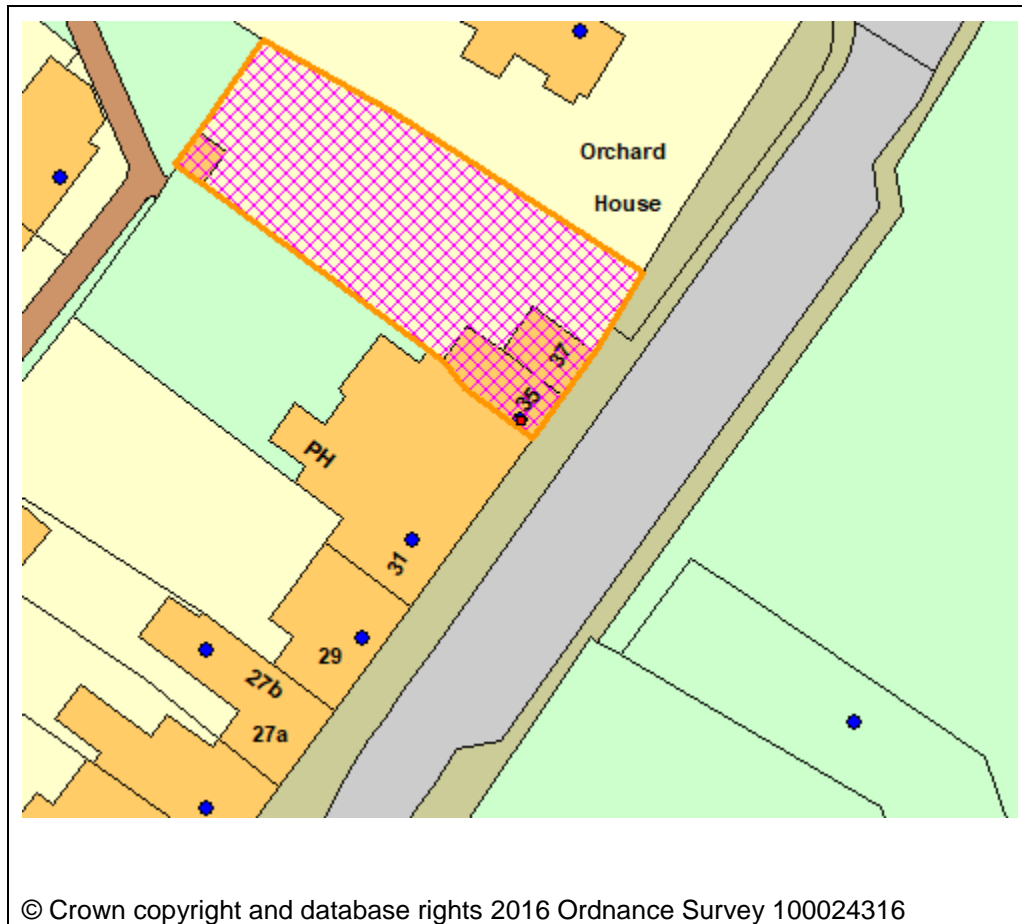
Contact Officer: Rebekah Orriss

Telephone Number:

Date: 12th April 2023

Application Number	23/00330/LBC
Site Address	35 - 37 Woodgreen Witney Oxfordshire OX28 1DG
Date	12th April 2023
Officer	Tara Hayek
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	436007 E 210572 N
Committee Date	24th April 2023

Location Map



Application Details:

Replacement of single glazed wooden rear window

Applicant Details:

Mrs Katy Lysley
35 - 37 Woodgreen
Witney
Oxfordshire
OX28 1DG

1 CONSULTATIONS

Parish Council

No Comment Received.

2 REPRESENTATIONS

2.1 No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 The applicants Heritage Statement states:

3.2 The window is not original. It was fitted when the kitchen extension was built in the 90's. The new window would be fitted in exactly the same place as the existing window and would be identical in size and appearance to match the other casement windows at the back of the house. Therefore, it would not change the heritage appearance of the building. It would be made from wood and the only difference would be that it is triple glazed instead of single glazed to make the property more efficient and less reliant on the use of energy.

3.3 This proposal will continue to conserve the heritage asset, as the proposed window will look identical to the other casement windows. From a climate crisis point of view, enabling the glass to be triple glazed (attached to a new extension with triple glazed sliding doors) at the back of the property will assist with reducing energy consumption without compromising the character of the property.

4 PLANNING POLICIES

NPPF 2021

NPPF 2021

EH I I Listed Buildings

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 The application seeks listed building consent for a replacement of single glazed wooden rear window to a Grade II listed property at 35-37 Woodgreen, Witney.

5.2 The property is Grade II Listed with the following description:

Two houses. Mid C18. Coursed limestone rubble; gabled stone slate roof; brick end stacks. 2-unit plan. 2 storeys and attic; 3-window range. Timber lintels over adjacent plank doors to centre and late C19/C20 twolight casements with glazing bars. Two gabled roof dormers with similar casements. Interior not inspected.

5.3 The application is before Members of the Lowlands Area Planning Sub-Committee as the applicant is related to a Councillor and that Councillor sits on the Planning Sub-Committee.

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

Impact on the Heritage Asset

5.5 35-37 Woodgreen is a Grade II Listed Building dating from the mid-18th century. It is located in Witney and Cogges Conservation Area.

5.6 Because 35-37 Woodgreen is Grade II listed, the Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.7 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.

5.8 In this case Officers consider that because the proposal relates to a modern section of the building (dating from around 1990's) then the proposal will not cause harm to historic fabric and is a minor change that ensure that the character of the principal listed building is preserved.

5.9 Also, the property is located in the Conservation Area, and 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 and enhancing the character or appearance of that area.

5.10 And, the proposed changes will not impact on the Conservation Area thus respecting the special qualities and historic context of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

5.11 The Local Planning Authority has 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. The works are considered to preserve the special character, setting and significance of the listed building, and of the Conservation area. As such, listed building consent should be granted.

Conclusion

5.12 In this case, Officers are satisfied that the proposal will not cause harm to historic fabric and the proposal will preserve the character and appearance of the principal listed building and the Conservation Area.

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

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

3. 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.

Contact Officer: Tara Hayek

Telephone Number: 01993 861666

Date: 12th April 2023