

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 30th May 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.

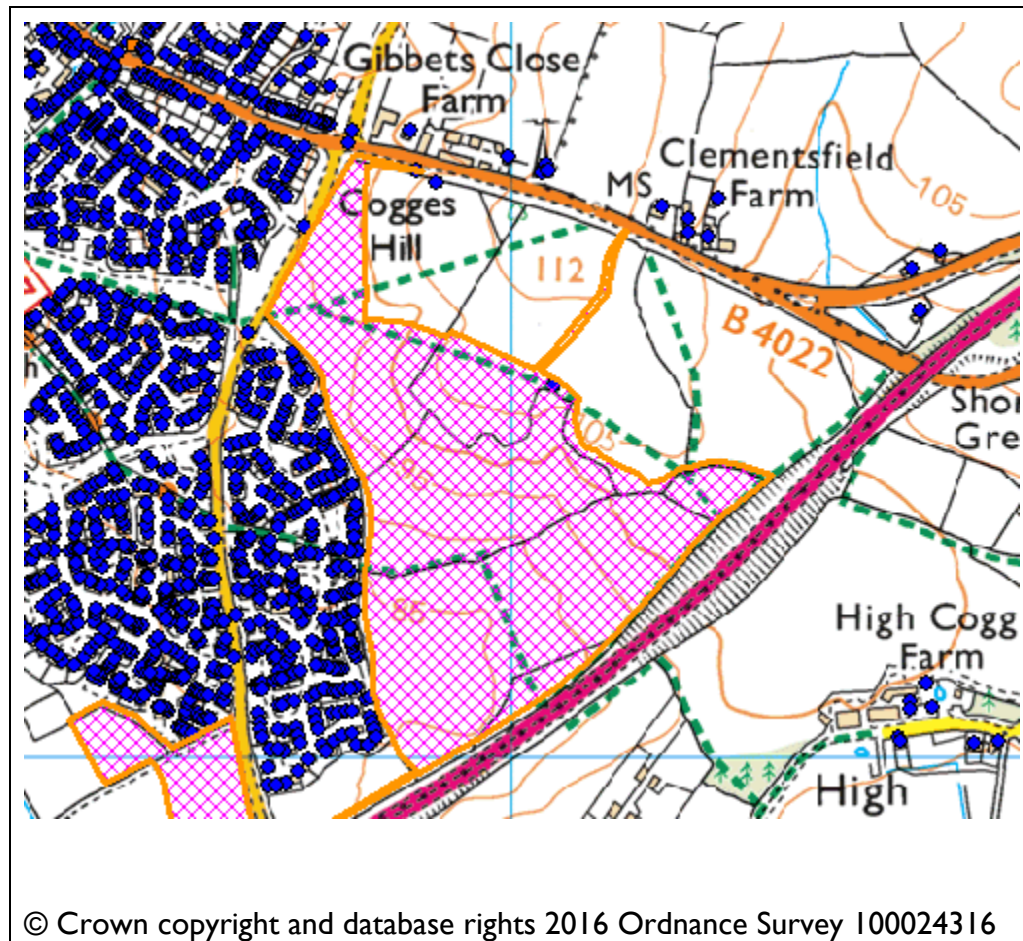
Please note that:

- a) 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
13-38	20/02654/OUT	Land South East Of Oxford Hill	Joan Desmond
39-64	22/03058/FUL	Land At (E) 441112 (N) 205508 Stanton Harcourt Industrial Estate	David Ditchett
65-120	22/03240/OUT	Land South Of Burford Road	David Ditchett
121-127	23/00730/FUL	The Newlands Inn 45 - 47 Newland Street	Sarah Hegerty

Application Number	20/02654/OUT
Site Address	Land South East Of Oxford Hill Witney Oxfordshire
Date	17th May 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	437058 E 209494 N
Committee Date	30th May 2023

Location Map



Application Details:

Outline planning application (with all matters reserved except access) for the erection of up to 450 dwellings together with associated open space and green infrastructure (Amended).

Applicant Details:

The Mawle Trustees And Trustees Of Northfield Life Interest
C/o Agent

I CONSULTATIONS

Please see Appendix I at the end of this report.

2 REPRESENTATIONS

5 Letters of objection:

- This development will add considerably to Witney's traffic congestion. I believe that it would be prudent to preserve an undeveloped corridor through the area under outline consideration for the possible future construction of a relief road bridging the river, linking the increasingly busy Station Lane area to east Witney.
- It is very important that land is retained as grass land for recreational use.
- The A40 wouldn't cope with 495 households commuting.
- The proposed housing development would increase the danger of flooding
- The fields thrive with wild flowers and animals and the proposed housing development would demolish this ecology

3 letters have been received with the following comments:

- This application includes the right of way on the most Northern Eastern corner on the way from Witney to South Leigh. This right of way is the most convenient and safest way for pedestrians to walk from Cogges and Witney to and from South Leigh. Need to ensure that the existing, neglected right of way be refurbished and the link(s) with the Cogges and Witney estates using existing rights of way be preserved within any development. Playgrounds for children are very essential in any new development.
- I would like to understand what consideration has been undertaken to ensure that the risk of flooding through water run off has been reduced with this planning application. At present the site is a green field, which when saturated has the propensity for water run off towards Blakes Avenue. I would support this application if the risk has been reduced.
- At present there are several footpaths across site A, I would like to ensure that these are kept as "Green" as possible to ensure the feeling of walking in the countryside is protected as opposed to walking through an housing estate
- The North Witney Action Group (NWAG) reiterate that a comprehensive four way interchange at Shore's Green is completed before any further action is taken on any other development in the Local Plan for Witney SDA's.

Stagecoach - In principle supports the broad shape of the proposals, however concerned it does not go far enough to identify and take up opportunities to maximise use of public

transport. Therefore cannot fully support it at this time. Whilst the bus service on Oxford Hill is exceptional, the provision of bus stops is very weak. The applicant proposes three new stops on Oxford Hill. We agree with this level of provision, however a number of detailed points are raised about the design of the stops at Jubilee Way/Cogges Hill, Oxford Hill existing westbound bus stop and new stops at Clementsfield Farm area. On urban design and structure, the proposals are structured around car circulation, to which walking and cycling infrastructure seems to have been added as an afterthought. We find location for community hub very strange, being sited at the most peripheral and distant part of the development. The optimum location would appear to be in the proposed 'village green' at the main entrance.

County Cllr Enright - The development will require important infrastructure to support it, including but not limited to:

- Funding towards new slip roads on the A40 at Shores Green (Access to Witney)
- Access off the new development into the Windrush Cemetery
- Community hall - multipurpose and at the heart of Cogges
- School places and GP surgery capacity
- Shared footpaths/cyclepaths across the meadow to the town centre
- Amenity land for informal play Witney Town Council have made extremely pertinent comments.

Windrush Against Sewage Pollution WASP - The submission focusses solely on the ability of Witney Sewage Treatment Work (STW) owned by Thames Water Utilities Limited (TWUL) to deal legally with the increased sewage generated by the proposed development. Thames Water's (TW) submission to the application 'has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. As such Thames Water request that a condition be added to any planning permission. Thames Water makes no mention however of the ability of its Witney Sewage Treatment Works (STW) to treat and discharge the additional sewage generated by the proposal in a legal manner compliant with its statutory Environment Agency permit. The outline application shows a total of 450 dwellings. Using a conservative assumption (figure supplied by Thames Water) of 300l/dwelling/per day for foul water flow generated, then the total daily volume of foul water produced daily by ONLY the residential development will be in the order of 135,000 l/day or 135 tonnes/day. This will be passed to Witney STW for treatment. This volume could potentially be increased significantly by the cumulative impact of the following applications currently passing through the WODC planning system:

- 36 tonnes/day 21/03405/OUT
- 70 tonnes/day 22/03240/OUT
- 60 tonnes/day 14/01671/OUT
- 115.5 tonnes/day 22/01384/OUT

Total cumulative increase from these 5 applications is at least 416.5 tonnes. Evidence gathered by WASP shows clearly that Witney STW is currently operating outside its permit conditions (i.e. illegally), a fact recently confirmed by TWUL who stated to West Oxfordshire District Council (WODC) that the works is only treating 73% of the required Flow to Full Treatment figure stated on its statutory permit (See Figure 1). An account of 10 years of unpermitted early spilling was recorded in WASP's peer reviewed paper 1, with yet more examples in a WASP

report. In essence this means that Witney STW will, in breach of its statutory permit issued by the Environment Agency (EA), discharge untreated sewage to storm tanks and thence to the receiving watercourse at an incoming flow of only 73% of that legally required, making its present operation periodically illegal. Published EA Water Framework Directive data³ shows the receiving reach of the River Windrush to be at MODERATE ecological status, with continuous and intermittent discharge of sewage by the water industry cited in three separate categories as Reasons for Not Achieving Good status (RNAG).

The EA is currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of sewage treatment works, focussing on early/dry spilling of untreated sewage. It is believed that Witney STW is included in this investigation. TWUL has stated that the resolution of this self-acknowledged under-capacity issue will be addressed by the end of AMP7 (December 2024). WASP contends that without the prior completed upgrade to ensure compliance with the legal permit standard at Witney STW, granting of this development will simply endorse its present unpermitted and illegal operation, and will increase further the spilling of untreated and poorly treated sewage into the River Windrush catchment. WASP contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity, but in the face of contrary evidence presented to them, does NOT HAVE to. This belief is based on counsel's advice and case law.

3 APPLICANT'S CASE

3.1 The Planning statement concludes as follows:

The site is allocated in the West Oxfordshire Local Plan (Policy WIT1) and there are no insurmountable environmental constraints to delivering the proposed development.

The proposed development would deliver a range of benefits that contribute to achieving sustainable development. A summary of the key scheme benefits is set out below:

Economic Benefits:

Future residents will directly contribute to locally significant employment market;

- The development will generate direct full time construction jobs and indirect supply chain jobs during the construction phase of the development;
- Future residents will directly support the local economy of Witney and more widely;
- The development is also predicted to have a significant financial impact once operational, including generating Council Tax income, New Homes Bonus payment, and CIL contributions (if adopted);
- The development will contribute to addressing local housing need in Witney, which could have a positive impact on general housing affordability.
- Contribute towards West Oxfordshire District Council's five-year supply of deliverable housing sites in a sustainable location with very good access to facilities, services and centres of employment and education;

Social benefits:

Deliver 40% affordable homes across a range of tenures, housing types and sizes to meet local needs;

- Provide access to areas of public open space and enhanced public rights of way;
- **Environmental Benefits:** Provide a net gain in biodiversity;
- Provide substantial areas of public open space.

- Provide an energy efficient and sustainable development.
The proposed development complies with all relevant strategic and development management policies of the Development Plan, as well as the presumption in favour of sustainable development and other provisions of the NPPF. Therefore, as this proposal accords with the Development Plan and NPPF, the planning application should be granted consent without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

E5NEW Local services and community facilities

E6NEW Town centres

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH16 Non designated heritage assets

WIT1NE East Witney Strategic Development Area (SDA)

NPPF 2021

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 Planning Assessment

The application

5.1 The proposal is an outline planning application (with all matters reserved except access) for the erection of up to 450 dwellings with associated open space and green infrastructure.

5.2 The application has been amended to reduce the number of dwellings from up to 495 down to up to 450 and the provision of a new community hub has been omitted from the application. Whilst the provision of a community hub was not required under Policy WITI, its omission is unfortunate and would have been a benefit to both existing and new residents. The principle of the provision of the hub has always been supported but the location was in dispute, given its remote and sensitive location on higher ground.

5.3 The proposal represents development requiring an Environmental Statement (ES) and this has been provided, with a large volume of supporting information and documentation. Further information and revised parameter plans and a revised illustrative masterplan have been submitted in respect of the amendments detailed above.

5.4 Members may recall that this application was deferred at the Committee in early January to allow the consideration and re-consultation of further amended plans submitted in January 2023. An extension of time has been agreed after receipt of the amended plans and documentation and further extensive discussions, involving OCC, have taken place.

Site description.

5.5 The application site measures approximately 23.11 ha and is located on the eastern edge of the town of Witney. The site comprises two parcels of land. The land on Cogges Triangle (Site A) is the larger of the two areas and is currently in agricultural use as arable farmland. Cogges Triangle is comprised of large fields separated by natural boundaries. The land rises gradually to the north from the A40 and Cogges from an elevation of c.87m AOD in the south to around c.113m AOD along the northern boundary at Oxford Hill, with a south-west facing aspect.

5.6 The western boundary of Cogges Triangle adjoins existing housing and is bounded to the southeast by the A40. The northern boundary of Cogges Triangle is largely formed by Oxford Hill (B4022) and skirts around the boundary of the Windrush cemetery which is accessed from Oxford Hill. There are six Public Rights of Way (PRoW) that intersect the larger Site area (410 41/20, 410 41/40, 410 8/10, 410 42/10, 410 7/30 and 410 8/20).

5.7 The smaller site area (Site B) known as Cogges South comprises an area of relatively flat land in agricultural (arable) use and is located between an area of existing housing in Manor Road to the north and to the south by the A40. The eastern boundary of the site is formed by the Stanton Harcourt Road whilst the western boundary adjoins open fields (part of the Windrush Valley).

Planning History

5.8 A screening opinion was issued in August 2019 and a scoping Opinion was issued in February 2020.

5.9 This allocated Local Plan site has been subject of extensive pre-application discussions in an attempt to agree a masterplan.

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

- Principle
- Layout and scale
- Impact on Landscape
- Impact on Heritage Assets
- Highway Issues/Connections
- Flood Risk/Drainage
- Residential amenity /Noise/Air Quality
- Biodiversity
- Affordable Housing
- Sustainability
- SI06 Contributions

The principle of the development

The Development Plan

5.11 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.

5.12 This site is allocated for housing development in the adopted West Oxfordshire Local Plan 2031. Policy WIT1 relates specifically to this site and allocates the site for around 450 dwellings to accommodate a sustainable, integrated community that forms a positive addition to Witney.

5.13 The Policy states that development should include:

- a) about 450 homes with a balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing. This will include c.30 homes on land adjacent to Stanton Harcourt Road (subject to landscape impact and flood risk) and c. 420 homes on land at Cogges Triangle (subject to landscape impact and surface water run-off).
- b) comprehensive development to be led by an agreed masterplan.
- c) development to be phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shore's Green junction onto the A40 and related highway measures.
- d) the provision of other supporting transport infrastructure, including mitigating the impact of traffic associated with the development; the provision of appropriate financial contributions towards LTP4 transport schemes; provision of appropriate public transport (services and infrastructure) serving the site; and provision of a

comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas, including a particular emphasis on improving the linkages across the Windrush Valley into the town centre consistent with the aims and objectives of the Windrush in Witney Project and to Hanborough Station.

- e) the provision of appropriate landscaping measures to mitigate the potential impact of development and associated infrastructure.
- f) the provision of appropriate financial contributions towards primary and secondary education capacity enhancements.
- g) biodiversity, landscape and public access enhancements within the Lower Windrush Valley including arrangements for future maintenance.
- h) provision of appropriate green infrastructure including allotments.
- i) appropriate measures to mitigate traffic noise.
- j) the conservation, and enhancement where possible, of the setting of the Cogges Scheduled Monument and the Witney and Cogges Conservation Area.
- k) the investigation, recording and safeguarding of the known and potential archaeological significance of the Area prior to any development taking place. The results of the investigation and recording should inform the final layout of the development and be deposited in a public archive.
- l) appropriate measures to mitigate flood risk including the use of sustainable drainage methods to ensure that post-development surface water run-off rates are attenuated to achieve a reduction in greenfield run-off rates. The sustainable drainage systems should be designed to provide a biodiversity enhancement.
- m) connection to the mains sewerage network which includes infrastructure upgrades where required including any necessary phasing arrangements.
- n) demonstrate the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.
- o) the developer will be required to set aside 5% of the developable plots for those wishing to undertake custom/self-build.

The proposed allocation is shown in Appendix 2.

National Policy/Guidance

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

5.15 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are

most important for determining the application are out-of-date, permission should be granted unless:

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

The Council's housing land supply position and the implications of the NPPF

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

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

5.18 In respect of bullet point i), detailed above, these policies include those seeking to protect heritage assets which is addressed in detail later in the report.

Conclusions on the principle of residential development

5.19 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

Layout/Scale

5.20 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. Policies OS2, OS4 and EH2 each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the National Design Guide.

5.21 The application is in outline with all matters reserved apart from access. An amended illustrative masterplan and amended parameter plans have been submitted. The revised Land Use parameter plan indicates the residential areas on Sites A and B and Green Infrastructure including open space and allotment area (0.69ha) on Site B. In terms of the proposed residential development areas on both Sites A and B these will extend beyond the identified housing development areas on the allocation plan (see appendix 2). Whilst it is accepted

that these areas are shown as 'indicative only', the supporting text to Policy WITI (paragraph 9.2.36) advises that 'The precise quantum of development on both sites will depend on a number of issues including landscape and heritage impact, surface water run-off and traffic impact.' The extended areas will have impacts on both landscape and heritage assets. In respect of Site A, the housing will extend onto higher land to the north east (upto 102m), which is above the 95m contour line which was defined through landscape evidence at the Local Plan examination as being the level which would avoid an unacceptable degree of impact in landscape terms. This issue is considered in more detail below.

5.22 Officers have also raised concerns relating to the location of the allotments in the Windrush Valley on Site B as siting them within the Windrush in Witney (WiW) project area would conflict with the aim of restoring as much of the remaining agricultural land within the study area back to grassland and to improve the ecological quality of the remaining grassland. It is also considered that they would be better located on Site A where the allotments can be easily reached on foot by green active travel connection, perhaps closely aligned with other open space/ water features and play areas. The agent has reaffirmed his view that the allotments are not in a location that contravenes relevant policies in the Local Plan and that they are in an appropriate and accessible location for future residents of the application site, and for existing residents, subject to demand and availability. As such, the location for the allotments remains unchanged. The Council's Leisure Facilities Team has commented that the development would require the provision of appropriate play facilities, taking into account Fields in Trust (FIT) standards, including the provision of a Neighbourhood Equipped Area of Play (NEAP) to include a flood lit Multi Use Games Area (MUGA) and wheeled sports track/skate park. The amended plan shows an indicative location for children's play within the centre of the Cogges Triangle site. The agent has advised that the scheme includes a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) and has previously advised that a NEAP/Multi Use Games Area is not required and would be space hungry and could not be accommodated on the site. The agent has also recently advised that the provision of a MUGA on-site is not feasible as it would require fundamental changes to the illustrative layout and would have knock-on impacts on housing numbers and the extent of development form. It is noted however, that the need for an on-site NEAP including a MUGA was raised by the Leisure and Communities Team in January 2021 and the scheme has since been amended to reduce the housing numbers and to make changes to the illustrative layout but without any provision for the required on-site play facilities. In addition, the application fails to include all of the land allocated for this development and seeks to retain parcels of land for agricultural use. It should also be noted, that the Fields in Trust guidance on outdoor sport and play specifically advises that such facilities should be provided on-site. In addition no evidence has been provided to support the claim that the provision of a NEAP/MUGA would not be feasible. In terms of Site B, the residential development area still incurs into the valley floor, affecting key views, although it is recognised that this impact has been reduced by limiting the building heights to two storey only.

5.23 The amended Landscape Parameter Plan indicates a significantly reduced amount of public open space (POS) reducing from the originally proposed 9.53ha down to 3.30ha. Large areas of the POS are now identified as remaining as agricultural land, although it is unclear

how some of the land can effectively be used for such purposes, particularly those areas wedged between the housing and tree planted areas. Additional scrub planting is also proposed on Site A to the northern edges. A village green is proposed adjacent to the new entrance off Cogges Hill Road which would link with the existing green recreation space across Cogges Hill Road, Oxlease Park & Garden and a linear east-west green space is proposed which would contain surface water attenuation features.

5.24 The amended Access and Movement Parameter Plan shows the primary access off Cogges Hill Road for Site A and off Stanton Harcourt Road for Site B. A new pedestrian and cycle access route is still shown to Oxford Hill with a new crossing at Oxford Hill to be provided. A proposed pedestrian and cycle access point is shown from Site A connecting to adjoining housing via Blakes Avenue and a new connection from Site B into open land (Windrush Valley) to the west. Walking and cycling infrastructure improvements are also indicated including a potential pedestrian and cycle connection from the site to Eton Close. The new pedestrian and cycle access to Oxford Hill crosses steeper open land and will lead to proposed new bus stops on Oxford Hill. The applicant has submitted further information arguing that the route is to facilitate the best performing routes from the site to Witney and East Witney to Eynsham/Oxford. Officers have consistently held the view that the bus stops should be repositioned closer to the Jubilee Way/Cogges Hill Road junction where they would better serve both existing and new residents. Indeed the amended access and movement plan shows a bus stop closer to the junction but still shows a new bus stop further along Oxford Hill. This view is also shared by Stagecoach whose advice has focussed on providing much improved stops at the existing Cogges Hill Road/Jubilee Way Crossroads. The new route would also be visually intrusive crossing higher open land and fails to make use of existing rights of way that pass across the site to Oxford Hill. Whilst it is now proposed to plant a new hedgerow along the eastern length of the route this proposed mitigation measure fails to address concerns relating to its unsuitability and landscape harm and cuts through an area identified in policy WITI as an area for environmental enhancements. It is also considered that the provision of such a route would increase pressure to develop land adjoining the northern part of the site. Further detailed comments on access and movement is set out in the connections /highway issues section below.

5.25 The amended Density Parameter Plan indicates densities ranging from 35dph to 43dph on Site A and a smaller density of 33dph on Site B. The highest density (43 dph) are indicated on the northern, central and south western part of Site A. A lower density of 35dph is indicated in the central and southern part of Site A.

5.26 The amended Building Heights Parameter Plan indicates development ranging from up to two story development (+9.0m) to up to 3 storey development (+12.0m). The two storey development is extended to those areas of the site on the outer edges (higher topography), although the central and northern parts of the site still has upto three storey development above the 95m contour line. Upto 3 storey development is proposed along Cogges Hill Road, even though surrounding development on the opposite side of the road is no more than 2 storey in height. Site B will have development upto two storey only. This will now relate better to its context.

5.27 Whilst the amended plans are an improvement, these densities and heights would still have a harmful landscape impact and would be out of keeping with the existing context of the site and surrounding development, which is set at a lower level, where development does not exceed two storey in height.

5.28 The amended illustrative masterplan retains the potential access to the Windrush cemetery but now includes a potential pedestrian access in the north west corner of the site off Cogges Hill Road. The potential pedestrian and cycle link to open space at Eton Close; potential link to the town centre and improvements to the link into Blakes Avenue are retained. Whilst this plan is submitted for illustrative purposes only, and detailed layout matters would be addressed through reserved matters applications, there is still a concern that the internal illustrative layout plan submitted prioritises car users rather than pedestrians and cyclists which have been designed to 'fit-around' the main vehicular routes, contrary to part d) of Policy WIT 1.

5.29 In summary, the submitted parameter plans fail to demonstrate that this development can be satisfactorily accommodated on the site. Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings (form and scale); Identity (well-designed, high quality and attractive places) movement (connected network of routes and active travel) and built form. The development proposed is considered to be of poor design quality and would fail to deliver a sustainable, integrated community that would form a positive addition to Witney. Further impacts are discussed in detail below.

Impact on Landscape

5.30 Policy EH2 of the Local Plan seeks conserve and enhance the quality, character and distinctiveness of West Oxfordshire's natural landscape and gives special attention and protection to the landscape and biodiversity of the Wychwood Project Area.

5.31 The West Oxfordshire Landscape Assessment identifies that the main Site area (Site A) is located within the Eynsham Vale Landscape character Area and Site B is identified as being located within the Lower Windrush Valley Character Area. The Eynsham Vale is described as "a low-lying area characterised by large-scale subtly rolling farmland, with a strong landscape structure. However, it is particularly distinguished by extensive areas of woodland and a well-treed character dominated by the formal parkland and well managed farmland of Eynsham Park and other large estates." The assessment goes on to note that: "Overall, the Eynsham Vale has an attractive and largely unspoilt, rural character but with some localised

variations in quality and condition which demand different strategies for management and enhancement".

5.32 The Lower Windrush Valley is described as: "an area of distinctively flat, low-lying landscape which occupies the 'floodplain' of the River Windrush and the margins of the River Thames to the east of west of their confluence. The area overlies extensive river gravel deposits and its character has been heavily modified by mineral extraction. Large areas of the floodplain are now occupied by gravel pits in various stages of active quarrying, restoration or re-colonisation and extensive areas of open water are a distinguishing feature of this area. Where these have recolonised, and in the extensive areas of pasture to the east, the landscape has a pastoral, tranquil and remote character". The assessment goes on to note "Overall, the Lower Windrush Valley and Eastern Thames Fringes has an attractive and largely unspoilt, rural character but with some localised variation in quality and condition which require different strategies for management and enhancement."

5.33 An amended Landscape and Visual Impact Assessment (LVIA) chapter to the Environmental Statement has been submitted along with a technical note relating to the proposed changes. The LVIA reports the outcome of the assessment of likely significant effects arising from the Proposed Development in Landscape and Visual Terms. In particular, it considers the potential effects of the construction and operational phases of the Proposed Development on landscape and visual receptors within the immediate and wider landscape context. The LVIA concludes that the Site is of Medium landscape value overall but when considering the value of the wider landscape setting that is a relatively intact landscape in good condition overall, it is considered that the wider landscape setting is of High landscape value overall.

5.34 The previous ES LVIA assessment identified that the proposed development would give rise to a number of potential significant adverse effects during the construction process and early completion phases (Completion Year 1). These effects, if left unmitigated would constitute a demonstrable adverse impact in landscape and visual terms. These effects would however be limited to the immediate locality of the Site itself, with the wider urban area, established vegetation cover, topography and existing treescape combining to afford a good degree of physical and visual containment to the site. Through mitigation and compensation measures, it is considered that the development can be completed in a manner which significantly reduces these adverse landscape and visual effects. To the extent that the proposed development could be successfully integrated into the receiving landscape. The proposed development, while a marked change to the open pastoral/agricultural landscape which exists at present, is deemed appropriate when considered in relation to the planned expansion of Witney and the requirements of the West Oxfordshire Local Plan 2031, representing a change which is in keeping with the wider aspirations of both the County and Local Planning Authorities. While the reduced development layout will offer some clear benefits in terms of the impact of development upon the site itself and its immediate setting, this will not fundamentally alter the overall impact of the development in landscape and visual terms. It is the case, however, that the removal of the community facilities will be of greater significance removing a potentially prominent element from the scheme. It is therefore considered that the revised development layout makes a positive contribution in

terms of the appearance of the development within the landscape but one that does not fundamentally alter the overall development effect identified within the previous assessment. However, and as previously demonstrated it remains the case that development can be successfully integrated into this context, without significant, long term, adverse effect, provided that the detailed mitigation measures and Green Infrastructure strategy is implemented and managed as envisaged. It should be noted that this assessment does not take into account the latest revisions to the scheme but no updated assessment has been submitted.

5.35 As detailed above, the amended Landscape parameter plan significantly reduces the amount of open space proposed which has been reduced from over 9ha of green space to 3.3ha. POS areas are now indicated to remain as agricultural land which will have little benefit to new residents. The open spaces around the north, central and eastern areas of the site will provide a combination of amenity and natural green space. The plan also indicates proposed SuDs areas in the central part of the site and a proposed allotment area close to Site B off Stanton Harcourt Road.

5.36 The Council's Landscape Consultant has previously commented as follows:

'Overall, it is considered that the development omissions on the high ground are positive in landscape terms when considered against the previous design iteration. With the removal of these built features, there is an opportunity for far greater planting along the ridgeline. This would create a more treed skyline that supplements the existing hedgerow and trees. This increased vegetative provision would also provide a softer backdrop to the development, reinforce a Green infrastructure corridor and increase biodiversity.'

5.37 *The proposed development is beyond the 95m contour highlighted within the 'Landscape and Visual Review of Submissions for Carterton and Witney Strategic Development Options' (October 2012). If building beyond the 95m contour is deemed to be appropriate in this instance the development edge would need to be appropriately considered. This may be achieved through lower density development on the edge alongside a less formal and linear building pattern. The roofscape on the edge could also be broken up with additional tree planting to soften the transition between the development edge and the more rural undeveloped ridge.*

5.38 *The effect of positioning development beyond the 95m contour would likely be exacerbated by the maximum storey heights proposed on the 'Parameter Plan Building Heights'. Given the elevated slope the proposed development is positioned on this should be revisited and maximum storey heights restricted to 'up to 2 storey' as the block of development near the centre of the site already is. The height of the proposed development is particularly pertinent given the neighbouring settlement edge is generally two storeys in elevation and occupies lower ground.'*

5.39 Whilst, as detailed above, there has been some changes to the building height parameters, development over two storey in height and above the 95m contour is still proposed which fails to fully address the concerns previously raised. The reduction in the amount of POS will also reduce the overall design quality of the scheme. Policy WIT1 also identifies land to the north and east to be used for environmental enhancement including landscape mitigation but this area of land is excluded from the application site with land annotated to remain as

agricultural land. The proposed connection to Oxford Hill, as detailed above, would also have a harmful impact on the landscape. The Landscape Officer has also raised concerns relating to the location of the allotments and resulting conflict with the aim of restoring as much of the remaining agricultural land within the study area back to grassland and objective to improve the ecological quality of the remaining grassland.

5.40 In conclusion, the proposed development would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

Impact on heritage assets

5.41 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.42 This application is accompanied by a detailed Heritage Statement (HS) which provides an assessment of the potential impacts of the development proposals upon above and below ground heritage assets. In addition, the supporting ES contains a chapter which examines the potential heritage impacts of the development proposals supported by an Addendum which considers the proposed amendments to the application.

5.43 The Site does not contain any built heritage assets or permanent structures, and whilst not in a conservation area, the Site lies in proximity to the Witney-Cogges Conservation Area and contains wide-ranging views in which the Grade I Listed Church of St Mary the Virgin is partially visible.

5.44 The HS concludes that the Site has not been identified as making any contribution to the significance of the Grade I Listed Church of St Mary. The Site forms no part of how the high architectural and historic interest of the Church is experienced when in proximity to it. The Site has been identified as a minor and unappreciable element of the Church's extended setting. The views possible of the Church from within the Site, in which it is appreciable as a local landmark, will be retained within the proposed development. The development proposals are therefore considered to represent a neutral alteration of the extended setting of this built heritage asset with no effects arising to its significance. Furthermore, the HS considered that the proposed development represents the alteration of a minor and unappreciable element in the extended setting of this part of the conservation area that will not alter the experience of its character or appearance. No potential impacts to the significance of the Newlands character area are identified as arising from the proposed development. The submitted Addendum advises that these conclusions remain valid.

5.45 The Councils Design and Conservation Architect (DCA) has commented that in respect of site A the area proposed development is unlikely to feature in any significant views from, or towards the conservation Area but suggests that two or possibly two-and-a-half stories should be the maximum height for buildings, as the development will be effectively adding to a broad swathe of existing Development and the cumulative effect should not be too urban. The potential impact on the setting of Cogges Farm (a group of Grade II* and Grade II listed buildings and an Scheduled Ancient Monument) has also been considered but given existing development, it is not considered that any of the proposed development would be visible from the farm or its environs and even if there were distant glimpses, they would be unlikely to make any significant difference.

5.46 Considering Site B, the DCA notes that this is currently another inoffensive undeveloped field, although the tranquillity is somewhat compromised by traffic noise on the A40, adjoining the south boundary. The rural edges are already well defined, and that any development here would feel like an encroachment. The field lies squarely in a fine view of St Mary's spire, from the road to Standlake Road as it crosses the A40. This is a rare distant view of Witney in which C20 development does not feature strongly and it hints at how the settlement once was. The preference would be to resist development on Site B, but as some development is indicated in the Local Plan, any development should be limited to the north corner (as indicated in Figure 9.2 accompanying Policy WIT1). The amended parameter plan remains unaltered in this respect, although the development is now to be limited to two storey development only.

5.47 The revised Landscape Parameter Plan indicates a 'Protected view towards St Mary's Church from the A40 bridge along Stanton Harcourt Road looking north west'. This protected view gives the impression that none of the proposed development on Site B would be viewed when looking towards the Church but this is not the case. Development on Site B would be clearly seen in views of the Church encroaching into this open landscape context.

5.48 In conclusion, there is considered to be no adverse impacts on the significance of the Conservation Area. Nevertheless, views of St Mary's Church would be negatively impacted upon by the development proposed on Site B given its incursion further westwards.

5.49 In summary, there will be harm to the heritage assets and it is necessary for the harm identified above to be weighed against public benefits of the proposal. In this respect it is considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits would outweigh the less than substantial harm arising in this case.

5.50 In terms of archaeological impact, the archaeological evaluation requested has now been undertaken and a report of the results has been submitted with this application. The evaluation has recorded a number of archaeological deposits across the site dating from the later prehistoric through to the medieval period. A small amount of Roman pottery was recovered along with evidence of early medieval use of the site. The evaluation however

found no archaeological deposits of such significance as to present a constraint to any development. A further programme of archaeological investigation will need to be undertaken on parts of the site to better understand and record these features, but this can be secured through an appropriately worded condition.

5.51 The County Archaeological Officer has recommended that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken ahead of the period of construction. This can be ensured through the attachment of a suitable negative condition.

Highway Issues/Connections

5.52 The outline application includes primary access arrangements for both Sites A and B. Both will be accessed from new 'T' junctions and the access to Site A is designed around the principle of a looping primary street with frontage access. Site A (Cogges Triangle) will have a series of secondary roads which take access from the primary street, which will again form loops with frontage access throughout and provide access to the 'Community Hub'. Access arrangement to Site B have been revised to include a 3m footway/cycleway through the site to Stanton Harcourt Road. An emergency access is also proposed off Cogges Hill Road. The application also advises that the Applicant has agreed to 'safeguard' the land required to deliver the eastbound off-slip and associated junction with Oxford Hill.

5.53 The submitted Transport Statement concludes that the development's transport impacts cannot be regarded as either giving rise to an unacceptable impact on highway safety or a severe impact on the road network.

5.54 Part c) of Policy WITI requires development to be phased in accordance with the timing of provision of supporting infrastructure and facilities including the essential improvements to the Shore's Green junction onto the A40 and related highway measures. OCC Highways has requested, that if permission is granted, a proportional contribution towards the A40 Shore's Green West Facing Slips and a grampian condition to limit the amount of development prior to the opening of the Shores Green improvement scheme. The trigger for the permitted amount of development would be agreed with OCC Highways following modelling assessments.

5.55 The NPPF acknowledges that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as extensions to existing towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). In this respect Site B was included in the allocation to help facilitate the provision of links to the Town Centre across the Windrush Valley thereby increasing the integration of the overall development with the existing built area. Part d) of Policy WITI refers to the need to provide for a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas, including a particular emphasis on improving the linkages across the Windrush Valley into the town centre consistent with the aims and objectives of the Windrush in Witney (WiW) Project and to Hanborough Station.

5.56 The plan indicating links across the Windrush Valley shows the provision of a 5.5m footway/cycleway/allotment access road running north through the valley which would link to a 3m footway/cycleway running east to west. This route would connect to Cogges to the east over Town Council owned land and to the west would require the provision of a new river crossing to connect to the town centre. These connections and new river crossing lie however outside the application site and as such do not comprise part of this development proposal. These works would nevertheless require planning permission. The 5.5m footway/cycle/access road is in any case far wider than the required 3m footway/cycle connection and indicates a less direct route than that indicated in the Local Plan which follows a more natural desire line. Discussions have been on-going relating to the provision of connections across the Windrush Valley involving both the Town Council and OCC and the agent has submitted a draft memorandum of understanding/Heads of terms for the delivery of the Farm Mill Crossing (FMC). It states that the applicant will provide funding for the FMC as part of the infrastructure package attached to the East Witney Development, but does not confirm its delivery.

5.57 A specific piece of work on priority interventions for cycling and walking required by the development has been carried out by OCC in collaboration with WODC. This piece of work was undertaken in 2020 with a report dated June 2020. The report documents a range of improvements to walking and cycling links in Witney East. The improvements are split into:

- a) Those considered essential for the East Witney SDA i.e are direct mitigation for the site, are related in scale to the development and are expected to be brought forward by the East Witney developer
- b) Enhancements considered to form part of a broader town-wide strategy for active travel infrastructure improvement to which the East Witney development could be expected to contribute towards alongside other local developments. A plan detailing the 'essential' connections is attached at Appendix 3.

5.58 One of the 2 key connections (5, 4, 9, 10 & 11- known as Route A) includes land outside the applicant's control. Intervention 5 is an existing off-road footpath east of Blakes Avenue which is owned by Cottsway Housing which requires widening where possible, re-surfacing, landscaping and lighting. The applicant has indicated their willingness to contribute towards the cost of the measures but as the land is outside of their control there is no guarantee that these improvements can/will be delivered. It is understood that the applicant is now seeking to agree a Memorandum of Understanding (MoU) with Cottsway to allow the delivery of the improvements. At this stage however, no such MoU exists,

5.59 Improvements to route 4 including the provision of a controlled 'parallel' crossing is agreed as is the provision of route 9 towards the river Windrush which involves a link section over Town Council owned land. At point 10 a new river crossing is required in order to link into the town centre. As detailed above, the applicant has formally agreed to contribute towards the cost of a river crossing. Without the delivery of such a link this essential connection cannot be secured. Whilst the agent has now advised that the applicant agrees in principle to direct delivery of the bridge, no formal confirmation has been

received to that effect and a MoU confirming the delivery of the bridge is still awaited. Intervention 11 seeks to provide a direct link from the river crossing to the south side of Sainsbury roundabout and a new safe crossing point, which the applicant has now agreed to provide.

5.60 The second essential connection known as Route B (interventions 14, 7, 6 & 8) would again provide a link to the town centre via the required new river crossing. This route would include intervention 14 a new connection following sections of an existing PRoW along the southern edge of the SDA, linking to B4022 and A40 shared use path. The applicant is unwilling to extend this route and continues to argue that alternative routes proposed would perform better. In terms of intervention 7, a link to Eton Close across playing fields owned by the Town Council, the applicant is now seeking to agree a MoU with the Town Council (WTC) to allow this connection as well as all other measures proposed on WTC land. The Witney Local Cycling and Walking Infrastructure Plan has also recently been adopted by OCC which identifies the proposed cycling and walking improvements discussed above.

5.61 In terms of connections, OCC presently, maintain their objection and having reviewed the latest Technical Note (TN) comment as follows:

'The argument hereby made by Glanville and being supported by their Transport Note titled 'Comparison of Active Travel Routes' on Intervention 14 is still contested. Intervention 14 is identified in OCC's 'Essential Priority Interventions for Cycling and Walking Required by the East Witney Development, June 2020' document as the most direct route to link the southern part of the development to the PRoW along the southern edge of the site and onto the A40 shared use path. The A40 shared use path is the strategic route between Witney and Eynsham and Oxford. While Glanville's argument that this Intervention 14 connection to the PRoW did not emerge as the best performer in their TN, I continue to remind the applicant that this route serves a different purpose to the Routes marked. While the routes identified would be most convenient to serve residents from the northern part of the development onto the new bus stops and active travel infrastructure on Oxford Hill, Intervention 14 is better suited to connect onto the existing PRoW and the strategic shared use path. Furthermore, it is the most direct route for residents on the southern part of the development, seeing from the illustrated masterplan that this shall be the higher density part of the site. The assertion that this route would be redundant and unused is incorrect and strongly challenged.'

5.62 OCC Highways maintains its objection to the application on the following grounds:

- Poor connectivity - The latest submission has made steps towards improving the accessibility of the site. However, there remain sections (of links) that must be in place to make a comprehensive provision including a commitment to have the infrastructure delivered and by whom - Contrary to policies and provisions of the NPPF, Local Plan, LTCP and supporting documents.
- Proposals inconsistent with provisions of Policy WITI (d) in the following ways - not yet agreed to making appropriate financial contributions towards LTP4 schemes.

5.63 Discussions are still on-going in relation to S106 contributions. Costings for some of the off-site works may influence whether the applicant undertakes to carry out the works directly or make an appropriate contribution to OCC to enable the works to be carried out. Such works include the Access to Witney works and costs associated with the proposed Shores Green east bound off-slip. Members will be updated on these negotiations. In respect of intervention 14, the applicant is now proposing a variation to this strategic connection (Known as Intervention 14 Variation). It is stated that Intervention 14 (Variation) would provide a traffic free route from Oxford Hill near Shores Green to Blakes Avenue and would also facilitate links from Eton Close to Oxford Hill near Shores Green, with the initial section to the west being provided on 'quiet mixed traffic streets. In term of qualities of Directness, Gradient, Safety, Connectivity and Comfort, as set out in 'Department for Transport: Local Cycling and Walking Infrastructure Plans, Technical Guidance for Local Authorities, April 2017' it is also argued that Intervention 14 (Variation) would perform better on balance than Intervention 14. The views of OCC on this alternative route are awaited and Members will be updated at Committee. Notwithstanding the submitted arguments, the proposed route is less direct, will inevitably result in the need to cross the internal primary access road on more than one occasion and appears to pass through an existing woodland/hedgerow planted area, which the original arboricultural assessment indicates is to be retained. The landscape/arboricultural implications of such a route are therefore unclear. The agent has since advised that the proposed varied route 14 will not pass through existing woodland/hedgerow planted areas but will follow existing field boundaries and will utilise existing, gated field access points.

5.64 In conclusion, at this present point in time, it has not been adequately demonstrated that the essential connections/improvements identified will be delivered through this development. Whilst some parts of the connections include land in other ownership (Town Council and OCC), both these parties are willing for those connections to be provided and as such the delivery of these connections could be secured through a S106 agreement.

Flood Risk/ Drainage

5.65 The vast majority of the site lies in Flood Zone 1 (lowest risk of flooding), with only a small section of land lying in Flood Zone 2. This area of land is proposed for use as community allotments, an acceptable land use in Flood Zone 2. The submitted Flood Risk Assessment concludes that the proposed development can be achieved without increasing flood risk elsewhere and will in all likelihood allow for betterment of some of the nearby flooding issues in the Cogges Estate. The Environment Agency raise no objection to the application.

5.66 Following drainage concerns raised by the Local Lead Flood Authority (LLFA), further drainage information has been submitted and responses submitted on the issues raised. The LLFA now raise no objection to the application subject to appropriate drainage conditions being attached to any permission granted.

5.67 In terms of foul drainage numerous foul sewer connections have been identified for the site with gravity drainage possible. Discussions are ongoing with Thames Water to confirm whether sufficient capacity is available to accommodate the proposed development as it

stands. Thames Water has requested a condition to ensure that adequate foul drainage measure are provided.

5.68 In response, to the comments made by WASP the agent has commented as follows:

"Thames Water Utilities Limited has a legal obligation to provide sufficient capacity within the sewerage network to accommodate proposals brought forward as a result of planning applications. In this specific instance, outline planning permission is sought for the development of up to 450 dwellings, and Thames Water would need to ensure that capacity is provided."

Residential Amenity/Noise/Air Quality

5.69 As this is an outline application, the size, position, orientation of dwellings are not being assessed. However, noise and disturbance can be considered. A technical noise report is submitted as part of the outline planning application. A variety of mitigation measures will be utilised to control noise on the development site including double glazing (with suitable trickle ventilation), appropriate facade construction, stand-off distances and/or provision of acoustic screening. The Environmental Health Officer (EHO) has no objection in principle to the development, subject to criteria conditions and embedded mitigation requirements to manage for noise from road traffic, for this large residential application fronting the A40.

5.70 An air quality assessment (AQA) has been completed based on the national Planning Practice Guidance for air quality. As identified in the accompanying Air Quality Assessment as part of the ES, where necessary, measures to eliminate, reduce or mitigate the effects are proposed. The EHO has raised a number of issues which still require attention relating to the data used in the revised AQA and lack of mitigation measures. Following further discussions and changes to the scheme a further Technical Note has concluded that the proposed design changes were unlikely to yield results worse than those predicted in the original assessment. The Air Quality Officer is satisfied with the information now provided.

Biodiversity

5.71 The Council's Biodiversity Officer had originally commented that there was a lack of information on a variety of issues relating to biodiversity and landscape in the planning application, including protected species survey and mitigation, habitat enhancements and creation, biodiversity net gain and landscape improvements in the Windrush in Witney and Lower Windrush Valley areas, which are relevant to Local Plan policies. In this respect the application site excludes land within the allocated site (WIT1) which is identified for environmental enhancements including landscape mitigation. This includes land to the north adjoining Oxford Hill which is shown to be retained as agricultural land and land to the west, adjoining Site B, which is also shown to be retained as agricultural land.

5.72 Following these concerns further information has been submitted with further revisions to the application. The supporting letter advises that the revised BNG calculator shows a net gain of 6.80 Habitat Units equating to 12.93% in total with the bulk of this being focused on the Lower Windrush CTA. Accordingly, the applicants' view is that they are fulfilling the requirements of WIT1(g) biodiversity, landscape and public access enhancements within the Lower Windrush Valley...' and WIT6 '...protect and enhance the intrinsic landscape,

character, ecology and cultural value of the valley...[and]...maximising opportunities for enhancements within the Conservation Target Areas (CTAs).' There has been a reorganisation of areas to be set aside for wildflower meadow and scrub grassland in the Windrush Valley. In relation to the need for a bat survey, it is argued that the outline masterplan confirms that all of the moderate and high potential bat roost trees will be retained as part of the green infrastructure within the site and any potential adverse light impacts on trees can be avoided through detailed design of layout and lighting plans. As such, it is argued that if bats are present, bat roosts can and will be protected and as such a Phase 2 survey is not required at this juncture.

5.73 The Biodiversity Officer has confirmed that as long as all trees with moderate and high potential are retained, then the ecologists justification of a lower than expected survey effort is acceptable so long as a lighting condition is attached to any permission granted. In terms of biodiversity net gain and improvements to the WiW area, the Biodiversity Officer has commented that having reviewed the revised illustrative masterplan, there are still fundamental issues with the proposal in terms of linking up biodiversity improvements in the WiW area. Whilst enhancements are proposed, including scrub and wildflower planting, this is limited to one of the two fields within the floodplain. In addition, enhancements are modest and fail to address the nature conservation and landscape management aims outlined within the WiW Project document. For instance, improving habitats for water vole and otters and restoration of wetland habitat and enhancement of the river corridor and is therefore contrary to local plan policies EH2, EH3, WIT1 and WIT6. Whilst it is noted that the applicant has demonstrated a measurable biodiversity net gain, exceeding the 10% requirement, this is a separate matter and it is considered that this area should be specifically enhanced to satisfy the aims and objectives of the conservation target area, WiW project and secure improvements for priority and protected species recorded in the area. This is not to say that this area cannot contribute to the BNG metric however, efforts to improve habitats within the floodplain should not be limited in order to achieve a 10% biodiversity net gain.

5.74 In conclusion, the Biodiversity Officer still objects to the application on the grounds that insufficient information has been submitted with regards to maximising opportunities for enhancements within the Lower Windrush Valley and WiW project area and is therefore, contrary to local plan policies EH2, EH3, WIT1 and WIT6.

5.75 In response to the objection raised, the agent has commented that he remains of the opinion that this development will conserve and enhance the intrinsic character, quality and distinctiveness of the Windrush Valley, in compliance with policy, and that conditions can be imposed on any grant of permission to ensure that existing important ecological features will be retained and managed going forward. 10% BNG, is achieved. In respect of Policy EH3, it is advised that the scheme has been developed with the objectives of the CTA and WiWP in mind. The proposed habitat measures do contribute to the objectives of these projects; namely, new riverside meadow grassland and a pond on an area that was in arable production. We are also adding scrub habitat that will create a more diverse mosaic that will support a wider range of biodiversity. The conversion to grassland from arable will also help to reduce agricultural run-off, thereby contributing to improvements in water quality in the

River Windrush and improving the riparian habitat for water vole. It is argued that there is no measurable threshold in Policy EH3 against which the adequacy of proposals can be judged. In the absence of such a threshold, it is argued that the most relevant policy and legislative basis on which to base an assessment is the requirement of the Environment Act 2021 for all development to deliver a minimum of a 10% uplift in biodiversity value. This is achieved and the development proposals are contributing to the CTA and WiWP objectives. The proposals are thus compliant with Policy EH3. It is also argued that the scheme as submitted does meet the requirements of Local Plan Policies EH2, WIT1 and WIT6, given the BNG being provided and the proposed enhancement to the intrinsic qualities of the Windrush Valley.

5.76 Both the Biodiversity and Landscape Officer maintain however their objection to the application on the grounds that it would fail to conserve and enhance the intrinsic character, quality and distinctiveness of the Windrush Valley and as such fails to comply with policy. The proposal also fails to demonstrate how 'special attention' has been given to the wider environmental projects identified in Policy EH2 and the proposal is seeking only to provide a 10% BNG, which would be expected of any proposed development of this scale. Policy WIT1 requires additional biodiversity enhancements within the Lower Windrush Valley, beyond the expected 10% BNG on-site.

Affordable housing.

5.77 Policy H3 identifies Witney as a medium value location and the requirement is 40% affordable housing. The Planning Statement confirms that the development will provide 40% affordable housing, subject to viability.

Sustainability

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

Summary of S106 contributions

5.79 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy WIT1 sets out the required new and improved infrastructure that this development will be expected to contribute towards. A detailed list of the required/requested contributions/infrastructure provision is set out in Appendix 4, attached to this report.

5.80 Discussions are still on-going with OCC in respect of the requested contributions.

Conclusion and Planning Balance

5.81 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for

the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

5.82 Where policies for the supply of housing are out of date, para.11 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social and environmental planning roles.

5.83 With regards to the economic dimension of sustainability, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. I consider that moderate weight should be afforded to these benefits.

5.84 The proposal would positively support the delivery of housing, including affordable housing. There is a need for market and affordable homes within our district and the proposal would contribute towards this at a time of housing need. I attach significant weight to this social benefit.

5.85 In terms of the environmental dimension, whilst the site is allocated for housing development in the Local Plan, the parameter plans fail to demonstrate that the proposed development could be satisfactorily accommodated on the site without having a potential significant harmful landscape impact, particularly given the proposed land uses, densities and building heights of upto 3 storey where land levels increase in height to the east and north. This would be to the detriment of the surrounding rural landscape and the setting of Witney. The proposal also fails to demonstrate a high quality design and development that would be sustainable and that would provide an integrated community that would form a positive addition to Witney. In addition, the development would fail to provide adequate recreational facilities on the site. These harms are given significant weight.

5.86 There would be no adverse impacts on the significance of the Conservation Area but there would be less than substantial harm to the significance of the Grade I listed St Mary's Church and its historic landscape setting. Nevertheless, it considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits would outweigh the less than substantial harm arising in this case.

5.87 The proposal now provides adequate drainage details to demonstrate adequate water management

5.88 The proposed development fails to provide a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas, including improved linkages across the Windrush Valley into the town centre and to the B4022 and A40 shared use path.

5.89 Whilst it is noted that the applicant has demonstrated a measurable biodiversity net gain, exceeding the 10% requirement (soon to be statutorily imposed) and is proposing biodiversity enhancements, this site is specifically required under Policy WIT1 to provide biodiversity and landscape enhancements within the Lower Windrush Valley. The biodiversity enhancements are modest and fail to address the nature conservation and landscape management aims outlined within the Windrush and Witney Project document.

5.90 In addition, the applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport; highways improvement schemes/connection; education; waste; biodiversity net gain or the Lower Windrush Valley Project.

5.91 In conclusion, it is Officer opinion that the adverse impacts arising from this development are of sufficient weight to indicate that the development should be restricted. Placing all of the relevant material considerations in the balance, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits which would result from the provision of new housing and affordable housing to boost supply as required by the NPPF. When considered against the development plan as a whole, the proposal would not represent a sustainable form of development.

The application is therefore recommended for refusal.

6 REASONS FOR REFUSAL

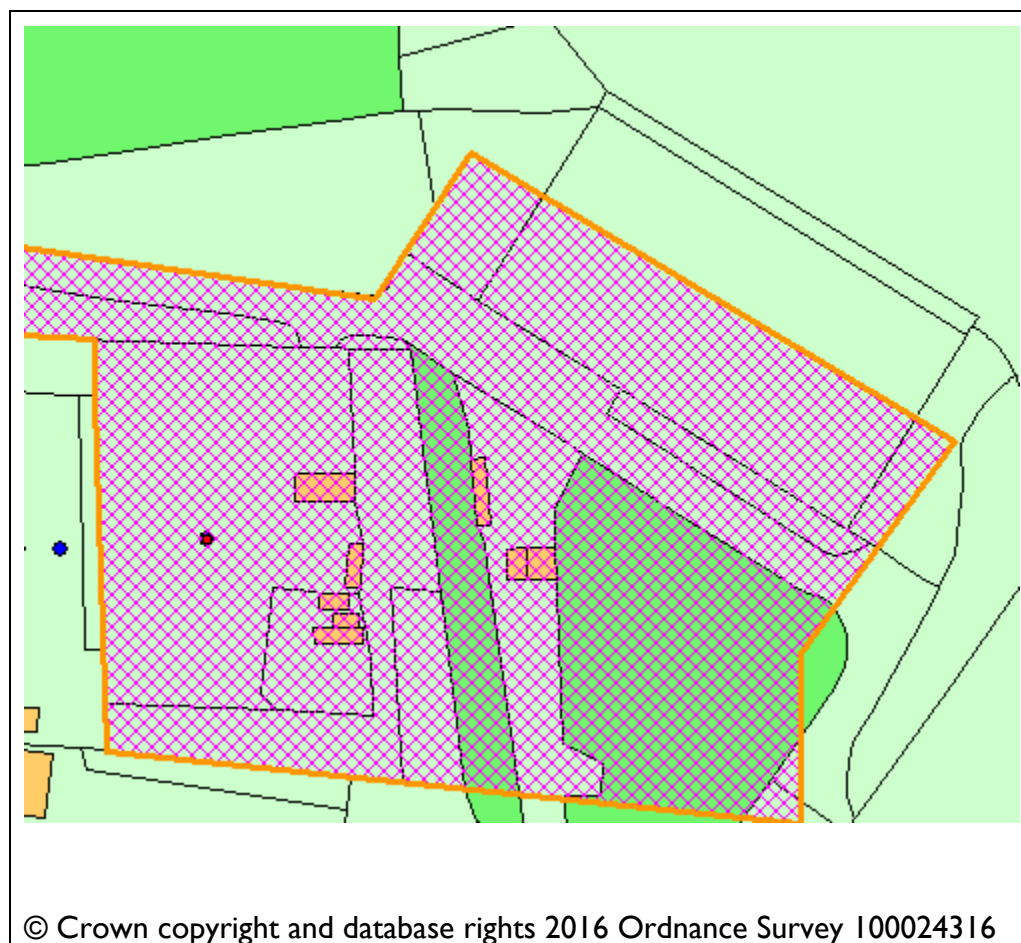
1. The application conflicts with Policy WIT1 (part b) in that it does not propose a comprehensive development which is led by an agreed masterplan.
2. The proposed development fails to demonstrate that the proposed development can be satisfactorily accommodated on the site without significant landscape harm given the proposed building heights, land uses, densities and its sensitive elevated landform. This would be to the detriment of the surrounding rural landscape and the setting of Witney. The views of St Mary's Church would also be negatively impacted upon by the proposed development. The proposal fails to demonstrate a high quality design and development that would be sustainable and that would provide an integrated community that would form a positive addition to Witney in conflict with Policies OS2, OS4, EH2, EH9, EH11 and EH13 of the West Oxfordshire Local Plan to 2031, the West Oxfordshire Design Guide, relevant paragraphs of the NPPF and the National Design Guide.
3. The proposed development fails to provide a comprehensive network for pedestrians and cyclists with good connectivity provided to adjoining areas, including improved linkages across the Windrush Valley into the town centre and to the B4022 and A40 shared use path in conflict with Policies T1, T3, WIT1 and EH4 of the West Oxfordshire Local Plan to 2031, the West Oxfordshire Design Guide, relevant paragraphs of the NPPF and the National Design Guide.

4. The proposed development fails to provide sufficient information with regards to demonstrating a measurable biodiversity net gain and the proposed contribution towards local landscape projects is inadequate. The development proposals therefore do not comply with the requirements of Local Plan Policies, EH2, EH3, EH4, WIT1 and WIT6, and relevant paragraphs of the NPPF.
5. The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; or contributions to sport and leisure; public transport; highways improvement schemes/connections; education; waste; biodiversity net gain or the Lower Windrush Valley Project. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies H3, EH3, EH4, EH5, T1, T2, T3 and OS5.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 17th May 2023

Application Number	22/03058/FUL
Site Address	Land At (E) 441112 (N) 205508 Stanton Harcourt Industrial Estate Stanton Harcourt Oxfordshire
Date	17th May 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	441112 E 205509 N
Committee Date	30th May 2023

Location Map



Application Details:

Erection of two industrial units together with associated landscaping works and car parking.

Applicant Details:

Burys Dryanstore Ltd
Stanton Harcourt Industrial Estate
Stanton Harcourt
Oxon OX29 5UX

I CONSULTATIONS

Major Planning Applications
Team

03/05/2023

LLFA: Objection

Key Issues:

- SuDS compliance report not provided.
- Clarification required on the flood risk assessment for the site.
- Calculations needs to be provided for all storm events up to and including the 1:100 year storm event plus 40% climate change.
- Drainage plan to show the site boundary.
- Flood exceedance plan to be provided.
- Surface water catchment plan to be provided.

WODC Env Consultation
Sites

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

The applicant has submitted an updated version of the following report.

- Listers Geo, Bury's Dryanstore Ltd, Ground Investigation, Stanton Harcourt Industrial Estate, Stanton Harcourt, Oxfordshire, OX29 5UX. Report 22.09.020. February 2023.

This update was completed following the submission of my comments on 6th January 2023.

Comments 3,4,5 and 7 have been addressed in the updated version of the report. Comments 1, 2 and 6 still require clarification.

1. The desk study notes that the site is relatively flat with a

large stockpile in the southwest of the site and steep sided areas of thick vegetation possibly related to previous movement of soils in the centre south and east of the site. It is understood that access to this section of the site was not possible. Will this area be infilled as part of the development? What material will be used? Will this area be investigated when access is possible?

2. Empty oil barrels and machinery are noted to be present on site. Will additional sampling and testing be completed once these items have been removed?
3. A large portion of the site could not be accessed during the investigation. It is agreed that a supplementary investigation should be considered following the demolition and clearance of the site to determine the ground conditions across the entire site.

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.

WODC Env Health -
Lowlands

No Comment Received.

Newt Officer

No Comment Received.

District Ecologist

04/04/2023

No objection subject to a condition

The submitted consultancy report have provided adequate details, outlining precautionary working methods for reptiles and other species of concern, external lighting and landscaping, including biodiversity enhancement features.

Thames Water

13/03/2023

Waste Comments

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

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

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

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

Major Planning Applications
Team

27/03/2023

Highways: No objection.

Comments:

- Following Oxfordshire County Council's previous response dated 13/12/22, the applicant has submitted further information and therefore the previous objection has been removed.
- Application sits within larger planning application 07/0696/P/FP and is to reinstate the extant planning permission as well as erect an additional 865 sqm of gross floor space.
- The applicant has provided adequate cycle storage which is accepted.

Parish Council

Stanton Harcourt Parish Council objects to this planning application.

The objections are based on noise and traffic from the site.

References are made to a 2004 planning application, 04/1139/P/FP. At the time of that planning application, Stanton Harcourt was a very different village and use of the B4449 was much less (numbers and size of vehicles) than is current.

The village has had substantial residential development on three sites close to the proposed site, Foxbury Court, the old airfield and the Granary Way development that is nearing completion. Residents of Willowbrook have raised concerns with respect to noise to the Parish Council from the industrial estate, night time operation of air conditioning and associated machinery. Given the additional homes and the previous complaints, an operating hours condition is required.

The additional development of the village as well as increased activity from the industrial estate and the Dix Pit recycling and other industrial operations, with larger vehicles, means that a routing agreement is now also required. In the opinion of the Parish Council, the 2004 application should also have had a routing agreement in place.

If working hours, noise levels and routing agreements are in

place, the Parish Council would consider the planning application more favourably

WODC Env Health -
Lowlands

No comments to make on this application.

WODC Env Consultation
Sites

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

Following my initial request for a contaminated land condition to be added to any grant of permission the following report has been submitted.

- Listers Geo, Bury's Dryanstore Ltd, Ground Investigation, Stanton Harcourt Industrial Estate, Stanton Harcourt, Oxfordshire, OX29 5UX. Report 22.09.020. December 2022.

The report sets out the findings of a desk based study and ground investigation. While the report goes some way to characterising a conceptual site model for the site, please could the following questions be passed to the applicant for clarification?

1. The desk study notes that the site is relatively flat with a large stockpile in the southwest of the site and steep sided areas of thick vegetation possibly related to previous movement of soils in the centre south and east of the site. It is understood that access to this section of the site was not possible. Will this area be infilled as part of the development? What material will be used? Will this area be investigated when access is possible?
2. Empty oil barrels and machinery are noted to be present on site. Will additional sampling and testing be completed once these items have been removed?
3. Given that the site has previously been used as military land and housed an air hanger please confirm that the risk from Unexploded Ordnance is low as the report states.
4. It is agreed that further ground gas monitoring should be completed. It is understood that there may be a ground gas management system in place at the Dix Pit landfill located to the south of the subject site. Has the potential for this management system to fail been

considered?

5. It is agreed that a Discovery Strategy should be developed to cater for unexpected contamination uncovered during ground works.
6. A large portion of the site could not be accessed during the investigating. It is agreed that a supplementary investigation should be considered following the demolition and clearance of the site to determine the ground conditions across the entire site.
7. The borehole logs are not presented in the report, please could these be provided. It is not possible to comment on the ground gas monitoring that has been completed until these are received.

Given that further investigation is required I would currently still request that the contaminated land condition be added to any grant of permission.

Major Planning Applications
Team

13/12/2022
Highways: Objection
The application has not been supported by a Transport Assessment/ Statement

Lead Local Flood Authority: Objection
No drainage strategy report and drawings provided to clarify how the proposed site will follow SuDS guidelines for discharging surface water.

Archaeology: No objection subject to conditions

District Ecologist

13/12/2022
No objection subject to conditions.

Comments:

The current proposal will enlarge/extent an extant permission, which already permits a greater part of the current proposal to be built. After assessing the site for potential biodiversity constraints, it is felt the proposed site may provide suitable habitat for common reptile species. Further, records from 2015 and 2016 exist to the east of the proposed site for slow worms and grass snakes therefore, it is highly likely reptile species are still present in close proximity to the site. As a result, a precautionary working method statement will need to be submitted to the LPA prior to the commencement of works.

This will need to include details such as hand clearance of debris, phased vegetation clearance, identification of a suitable receptor site in the event reptile species are located and an appropriate enhancement/buffer zone for reptiles once development has ceased.

A number of bat records exist to the east of the proposed site, including records for light adverse species such as, brown long-eared bat species. As a result, any external lighting should be sensitively designed to prevent upward light spill and light spill towards boundary features that could be used as navigational and foraging routes. In addition, a number of trees will be felled in order to facilitate the development as a result, the above informative is recommended to ensure the applicant is made aware of the legal protection to roosting bats.

The proposed plans have included tree planting to compensate for the loss of existing vegetation however, limited details have been submitted. In addition, a suitable management plan will need to be produced, ensuring all planting is successful.

WODC Env Consultation
Sites

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

Review of the historical maps we hold indicate that the proposed development site has previously been used as military land and for industrial purposes. There are also a number of landfill sites in the vicinity of the proposed development site. Please consider adding the following condition to any grant of permission.

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

Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

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

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

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

WODC Env Health -
Lowlands

Thank you for the opportunity to consult.

I have no objection in principle.

Thames Water

12/12/2022

Waste Comments

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure

phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

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

Major Planning Applications
Team

22/03/2023

Highways: Objection

The application has not been supported by a Transport Assessment/ Statement

Lead Local Flood Authority: Objection

Previous LLFA comments not addressed

Archaeology: No objection subject to conditions

WODC Building Control
Manager

From reviewing the plans, it is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

2 REPRESENTATIONS

2.1 No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 The proposed development makes effective use of this under-used area of previously developed land within the Stanton Harcourt Industrial Estate and, as such, the proposal complies with the relevant policies of the National Planning Policy Framework and the Local Plan, in particular Policies E1, E2 and EW10.

3.3 The proposal simply seeks to amend a previously approved scheme for developing the site to meet the needs of the two companies intending to occupy the new units. There

is an urgent commercial need to complete the development as soon as possible. The previous planning permission is extant and all of the restrictions imposed on that permission have been complied with or discharged and can be carried forward into the proposed scheme. It is hoped, therefore, that the fresh planning permission will be granted without any undue restrictions.

4 PLANNING POLICIES

E1NEW Land for employment
E2NEW Supporting the rural economy
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH12 Traditional Buildings
EH13 Historic landscape character
EH15 Scheduled ancient monuments
EH16 Non designated heritage assets
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EW8 Former Stanton Harcourt Airfield
EW10 Eynsham- Woodstock sub area
DESGUI West Oxfordshire Design Guide
NPPF 2021

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

5. PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to Stanton Harcourt Industrial Estate. The industrial estate is located to the south side of the village of Stanton Harcourt, on a former Airfield site.
- 5.2 The Stanton Harcourt Conservation Area is located to the north/east of the industrial estate. Its boundary broadly follows the boundary of the industrial estate along the north

eastern corner, then turns north and away from the industrial estate. The industrial estate and conservation area do not appear to overlap.

5.3 A grade II listed building (Blackditch Farm) is located approximately 155m to the north of the site. In addition, three locally listed buildings, also known as non-designated heritage assets are located between approximately 166m and 209m to the north/north east of the site. The three locally listed buildings (from west to east) contain the addresses 11/12 Farmhouse Close in one building, 1 Farmhouse Close/34 Blackditch in another, and an outbuilding with no address as the third. When considering the separation distances involved, the proposed development is not considered to harm the settings of the listed or locally listed buildings.

5.4 Stanton Harcourt Industrial Estate is located in flood zone 1.

5.5 This application was 'called in' for a decision by Members of the Lowlands Area Planning Sub-Committee by Councillor Lysette Nicholls on residential amenity and highways grounds.

Planning History

The Site

5.6 07/0696/P/FP: Erection of two storage and distribution and one general industrial unit, change of use of existing unit from storage/distribution to light industrial, associated access road, car parking and landscaping. Approved subject to a legal agreement 15.11.2010

5.7 Planning permission was granted in 2010 for a similar development of three units (Units A, B and C). That permission was granted subject to 10 conditions and a Section 106 Agreement. The conditions and the Section 106 Agreement will be addressed at the end of the report.

Other Related Planning History

5.8 16/03627/OUT: Development for up to 40 dwellings and a shop with associated infrastructure works, Alterations to existing and provision of new vehicular access and pedestrian accesses (amended description). Approved subject to a legal agreement 19.02.2020

5.9 21/00691/RES: Reserved matters application for up to 40 dwellings whilst discharging conditions 2 (appearance, landscaping, layout and scale), 4 (access), 11 (tree protection), 13 (ground levels), 14 (broadband), 15 (landscaping) and 16 (noise attenuation measures) pursuant to outline planning permission 16/03627/OUT. Approved 05.07.2021

5.10 The adjacent land to the east of the application site is currently being developed with 40 dwellings plus open space and landscaping. That development includes a new 3m high landscaped bund which runs alongside the boundaries of the industrial estate to the east.

The Development

5.11 This application seeks full planning permission for the 'Erection of two industrial units together with associated landscaping works and car parking'. The units are proposed to be erected in the north eastern corner of the site.

5.12 The access road for the 2010 permission was constructed. The LPA considers this to be a material start to the 2010 scheme and as such that permission remains extant and could be completed in accordance with the conditions and S106 agreement.

5.13 The submitted Planning Statement explains that this new application seeks to amend the previously approved scheme. The proposed amendments to the approved scheme can be summarised as follows:

- Increasing the gross internal floor area by 399sq metres and incorporating the former Unit B into an enlarged Unit C
- Amending the circulation space
- Amending the car park areas, decreasing the car parking provision on site from 42 to 32 spaces.
- Providing two covered bike stores which can accommodate a total of 20 bicycles
- Amendments to the elevations.

5.14 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 Impact to Designated Heritage Assets;
- Highways;
- Residential Amenities;
- Drainage and Flood Risk;
- Archaeology; and
- S106 Matters and Previous Conditions

Principle of Development

5.15 Policy E1 of the Local Plan (2031) states 'Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses'.

5.16 The site is within the boundaries of the Stanton Harcourt Industrial Estate. In addition, the land in question is considered to be previously developed land and an extant permission exists for the erection of three industrial units on the site. The current scheme seeks to

reduce the number of units to two, but to increase the gross internal floor area by 399sq metres. The proposed use classes are Class E(g) - light industrial and ancillary offices and B8 - Storage or distribution. In light of these points, the scheme can be supported in principle, subject to accordance with other relevant policies in the Local Plan.

Siting, Design, Form and Impact to Designated Heritage Assets

- 5.17 The site is adjacent to the Stanton Harcourt Conservation Area. 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.
- 5.18 Local Plan Policies EH9 (Historic environment) and EH10 (Conservation areas) are applicable to the scheme.
- 5.19 Section 16 (particularly paragraphs 197, 199, 200 and 202) of the National Planning Policy Framework (NPPF) Conserving and enhancing the historic environment are also applicable.
- 5.20 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.21 Policy OS4 requires new development to respect and where possible enhance the character and quality of the surroundings, and contribute to local distinctiveness.
- 5.22 Policy EI requires development to be commensurate with the scale of the town or village and the character of the area.
- 5.23 The wider site is an existing industrial site, which contains several businesses and uses commensurate with the employment area. The proposed development site currently contains an access road, an area of hardstanding where former Hanger A was located, and various areas of other hardstanding, cabins, sheds, storage containers, paraphernalia associated with its former use.
- 5.24 The application proposes the erection of a 'T' shaped building. Unit C is to accommodate the main bulk and this is approximately 73.5m in length, 25.7m in width and 11.3m in height. Unit A is the rest of the building and includes the projecting element and lean to. The lean to is approximately 7.5m in width, 19.9m in length and 7.3m in height. The projecting element is approximately 19.8m in length, 25.6m in length and 11.3m in height. While the building is large, it is commensurate in scale to other buildings on the site. For example, the nearest building to the south (unit 9/10) is 37m wide and 72m long.
- 5.25 The building is proposed to be located to the south of the plot, thereby containing significant built form within the site and away from the boundaries to the north and east. In

that regard the building would relate well to existing built form in the area. The development also includes hardstanding to create yard/turning areas and parking. This is typical of a development such as this and would be in line with other units in the industrial area.

5.26 Turning to the design of the building itself. This follows the design and materials approved in 2010 and through condition discharge applications. The materials are masonry, cladding, composite sheet roofing, aluminium windows and pedestrian doors and sectional panel vehicle doors; and the building is of a similar scale to what was previously approved. Overall, the building is utilitarian in nature, the scale, massing and design of the proposed building reflects the current built form on adjacent sites appearing of an industrial nature in an industrial estate.

5.27 The site is in close proximity to the Stanton Harcourt Conservation Area and forms part of its setting. The heritage significance of the village is derived largely from its architectural and historic interest as a traditional rural village. The Stanton Harcourt & Sutton Conservation Area Character Appraisal explains 'Stanton Harcourt is the larger of the two settlements and is an attractive village of loose-knit form. It features an abundance of Listed buildings, including a memorable and highly significant cluster of structures at its core. Winding around this core are lanes lined with short terraces and distinctive thatched cottages. These lanes, together with small parcels of open land, serve to create a series of attractive internal vistas, and both components represent enriching and distinctive features of the character area'.

5.28 The development site forms part of an industrial estate and as such does not positively contribute to the significance of the conservation area, as the existing built form is modern and of little quality. The proposed development is industrial in nature in an existing industrial estate. While the development would increase the built form on the site, this is not considered to be harmful to the setting or significance of the conservation area. It is therefore considered that the application would preserve and enhance the conservation area in this location and is acceptable in heritage terms.

5.29 The LPA is satisfied that the proposed development will not harm the setting or character and appearance of the conservation area, nearby built form, the landscape or the character and appearance of the area. As such, the proposal accords with Section 72(1) of the Act, Section 16 of the NPPF and Policies OS2, OS4, EH2, EH9, EH10, and E1 of the Local Plan.

Highways

5.30 OCC Highways initially objected to the scheme. OCC acknowledged the fall back scheme of a slightly smaller development, however raised concerns that the application was not supported by a Transport Assessment/Statement and thus the current impacts was unknown.

5.31 The applicant submitted a Transport Statement dated March 2023. This Statement was reviewed by OCC and WODC officers and the content therein is deemed sufficient to appraise the transport related impacts of the proposed development.

5.32 The planning statement makes it clear that HGVs will gain access to both the A40 to the north and the A415 to the west via the B4449, so there is no need for HGVs to go through Stanton Harcourt village. This will be added as an informative on the decision notice as conditions are only applicable within the red line.

5.33 The roads leading up to the gated entry that serve the existing industrial estate are void of pedestrian infrastructure. The development and existing units are car-centric as currently no public transport service seems to serve this area. However, this is not unusual for an industrial estate. Furthermore, the fall back scheme is a significant material consideration. The highways impacts between that approval and the current scheme would be quite modest. Indeed, the specialist officers at OCC explain that 'the development...is unlikely to present any significant increase in risk in terms of highway safety or any residual cumulative impacts on the road network that would be severe. Therefore, the Highways Authority wish to remove its previous objection'.

5.34 Officers are mindful of recent residential developments to the east of the site. However, in light of the previous scheme that could be completed, the proposed access route, that the specialist highways officers at OCC are satisfied with the scheme and that the wider site is an existing industrial estate with its associated movements. Officers find that the proposal is acceptable in highways terms and the proposal accords with Local Plan Policies T1, T2, T3 and T4; as well as Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

Residential Amenities

5.35 Officers acknowledge that the building is large. However, it is located approximately 120m from the nearest dwellings 6 and 7 Granary Way and separated by open space, landscaping and a 3m high bund. When considering this separation distance and bund, overlooking, loss of privacy, overshadowing, overbearing and loss of light impacts are unlikely.

5.36 In regard to light and noise pollution, external lighting and operating hours will be restricted by condition. Should the proposal operate with minimal disturbance to nearby occupiers, it would be possible to vary the wording of the condition at a later date.

5.37 Officers are mindful of the new dwellings under construction and recently completed to the west of the site. However, these are in excess of 100m from the new building and 50m from the edge of the site. The fall back scheme of a slightly smaller development must also be taken into consideration as that could be completed at any time.

5.38 In light of the above, officers are satisfied that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration.

Drainage and Flood Risk

- 5.39 The site is in flood zone 1, which is the lowest risk of flooding and a previous extant permission to develop the site exists. However, the Lead Local Flood Authority (LLFA) at OCC has requested further details with regard to the proposed drainage scheme and are currently objecting.
- 5.40 With regard to the previous extant permission that has an agreed drainage scheme, the fallback scheme is noted. However, there are changes to the built form and wider site and as such, the previous drainage scheme is not wholly applicable. Nonetheless, a drainage scheme has previously been agreed for a similar devolvement at the site. While the Lead Local Flood Authority (LLFA) at OCC are currently objecting, officers are satisfied that the required drainage scheme can be controlled by condition. As such, a suitably worded condition shall be applied.
- 5.41 NPPF Annex 3 states that a general industry and storage uses are classed as 'less vulnerable' use when assessing flood risk. Planning Practice Guidance (PPG) Paragraph: 079 Reference ID: 7-079-20220825 explains that less vulnerable uses are acceptable in flood zones 2 and 3. Notwithstanding that the development site is in flood zone 1, the proposed use is acceptable in flood risk terms in higher flood risk areas.
- 5.42 Officers are satisfied that the use is acceptable and the drainage scheme can be controlled by condition. The proposal therefore is an acceptable use in this area and will not increase flood risk at the site or elsewhere.

Archaeology

- 5.43 Officers note that the Archaeology Officer at OCC requested an 'Archaeological Written Scheme of Investigation' and that 'a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation' both to be completed prior to the commencement of development. The officer at OCC elaborated that 'the application site is within an area of considerable archaeological potential' that was previously unknown for the 2010 approval and thus the conditions are required.
- 5.44 As explained throughout this report, an extant permission exists that could be completed at any time (in accordance with the conditions and the S106 agreement). No conditions relating to archaeology were applicable to the 2010 approval and as such that development could be completed and any archaeological interest would be lost. It is a significant material consideration therefore that the previously approved scheme can be completed. Of note is that the difference in footprint between the 2010 approval and the current scheme is a modest 74sqm (approximated).
- 5.45 Paragraph 56 of the NPPF states 'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be

permitted, enforceable, precise and reasonable in all other respects'. As explained, the previous scheme can be built and there were no restrictions placed on that approval with regard to archaeology. As such, to introduce the conditions advised by the officer at OCC for the application that is before the Council now, is not considered to be reasonable. This is because a significant material fallback position exists that would result in much the same impact to archaeology as the scheme that would be subject to restrictive archaeology conditions.

5.46 In light of the explanation above, while the comments from the officer at OCC are noted, the suggested conditions will not be applied as they are not considered to be reasonable. Officers the LPA are however able to apply a suitably worded precautionary condition to control any archaeological interest that may be found.

Other Matters

5.47 Officers note the conditions requested by the contaminated land officer for information to be provided prior to commencement. However, the fallback permission also applies here. A similar sized development can be completed without the need to supply such information and as such, these conditions are not thought to meet the condition tests set out in paragraph 56 of the NPPF. However, a suitably worded precautionary condition will be applied to ensure some control is maintained over the development.

5.48 Biodiversity matters can be controlled by condition.

SI06 Matters and Previous Conditions

5.49 Application 07/0696/P/FP was subject to ten conditions and a legal agreement. These are addressed below.

5.50 With regard to the legal agreement. The following matters are relevant:

- The off-site water tower has been demolished.
- The financial contribution towards public art has been paid.
- Unit 25 (occupied by Oxford Carriers) to revert to a Class B1 use is not required.
- The landscaping scheme has been discharged, the bund complete and as such this is not required.
- To submit and operate a Green Transport Plan is not required.
- Hangar A has been demolished.
- The financial contribution towards highways works and signage to limit HGV movements around Stanton Harcourt has been paid.
- A routing agreement for HGVs during both the construction and operation of the new units was not requested by OCC is not considered necessary. An informative is added to the decision notice.

5.51 With regard to the previous conditions. The following matters are relevant:

- *Condition 1- To be begun within 3 years.* The development was begun.
- *Condition 2- Samples.* This was discharged and detailed materials are included in this application. This will be secured by condition.
- *Condition 3- Permitted development rights removed.* Considering the site and constraints, this is not considered to be applicable and will not be applied.
- *Condition 4- Restricting the occupiers of the units to the named occupiers only.* This is an overly restrictive condition that prohibits future occupiers of the units and will not be applied.
- *Condition 5- Boundary treatments.* This was discharged and the application makes clear that the same boundary treatments are proposed.
- *Condition 6- External lighting to be approved.* This is required in the interest of amenity and biodiversity and will be applied.
- *Condition 7- Drainage.* This is required in the interests of mitigating flood risk so will be applied.
- *Condition 8- Floor levels.* This was discharged and the application makes clear that the same floor levels are proposed.
- *Condition 9- Restrict the business operating hours.* in light of the new homes near to the site, officers consider it necessary and reasonable to restrict opening hours. However, these are amended to be broadly in line with the published opening hours within the existing industrial estate.
- *Condition 10- Restrict outdoor storage and industrial uses.* This is an overly restrictive condition and will not be applied. It is not unusual for industrial units to keep materials and plant within its curtilage. If a material change of use occurs, or if the operations are a disturbance to neighbours, the Council can investigate this through its enforcement or environmental health departments.

Conclusion

5.52 Officers have had regard to the previous extant permission, including the previous conditions and the S106 agreement while undertaking this assessment. This application has been assessed against the prevailing policies and guidance, particularly paragraphs 55-58 of the NPPF (conditions and contributions) and a new legal agreement is not required. In addition, conditions are added, updated, repeated or removed where required.

5.53 To conclude, no planning harms are found, and the recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

6 CONDITIONS

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

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

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

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

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

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

4. The development hereby permitted shall be carried out as an alternative to the following permission:

Reference 07/0696/P/FP granted on 15.11.2010 for the 'Erection of two storage and distribution and one general industrial unit, change of use of existing unit from storage/distribution to light industrial, associated access road, car parking and landscaping' at Unit 1 Stanton Harcourt Industrial Estate Stanton Harcourt

But not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not all, nor parts of all developments.

REASON: To prevent an unsatisfactory mix of development and/or over- development of the site.

5. An archaeological watching brief shall be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a written scheme of investigation that has first been approved in writing by the LPA.

REASON: To safeguard the recording and inspection of matters of archaeological importance on site.

6. Following the approval of the Written Scheme of Investigation referred to in the previous condition, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of

Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF

7. Prior to development above slab level, a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
 - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details;
 - Consent for any connections into third party drainage systems

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

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

9. The units hereby approved shall only be in operation between the hours of: -

Weekdays - 6:00-20:00

Saturdays - 8:00-16:00

Closed on Sunday's and Bank Holidays

REASON: To safeguard living conditions in nearby properties. Please note the above times are in the 24 hour clock format.

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

REASON: To prevent pollution of the environment in the interests of the amenity and to accord with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

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

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

12. The development shall be completed in accordance with the following documents:

- Table 6 of the consultancy report (Preliminary Ecological Appraisal, Arbtech, dated February 2023);
- Tables 2, 3 and 4 of the consultancy report (Ecological Mitigation, Enhancement and Management Plan, Arbtech, dated February 2023);
- Herpetofauna Precautionary Working Method, Arbtech, dated February 2023.

All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To protect and enhance biodiversity 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.

13. The cycle parking shown on the approved plans shall be constructed prior to the first use of the development hereby approved and shall thereafter be retained solely for the purpose of the parking of cycles.

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

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

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

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

15. No external lighting shall be erected, sited, placed or affixed anywhere within the red line shown on drawing no 001 without the prior approval, in writing, of the Local Planning Authority.

The development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

REASON: To protect the residential amenity of nearby dwellings and to ensure that biodiversity is protected.

INFORMATIVES :-

- Access to the site by HGVs shall be taken via the B4449 only. HGVs shall not access the site through Stanton Harcourt village.

REASON: In the interest of highway safety and to safeguard the amenity of neighbouring properties.

- 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.

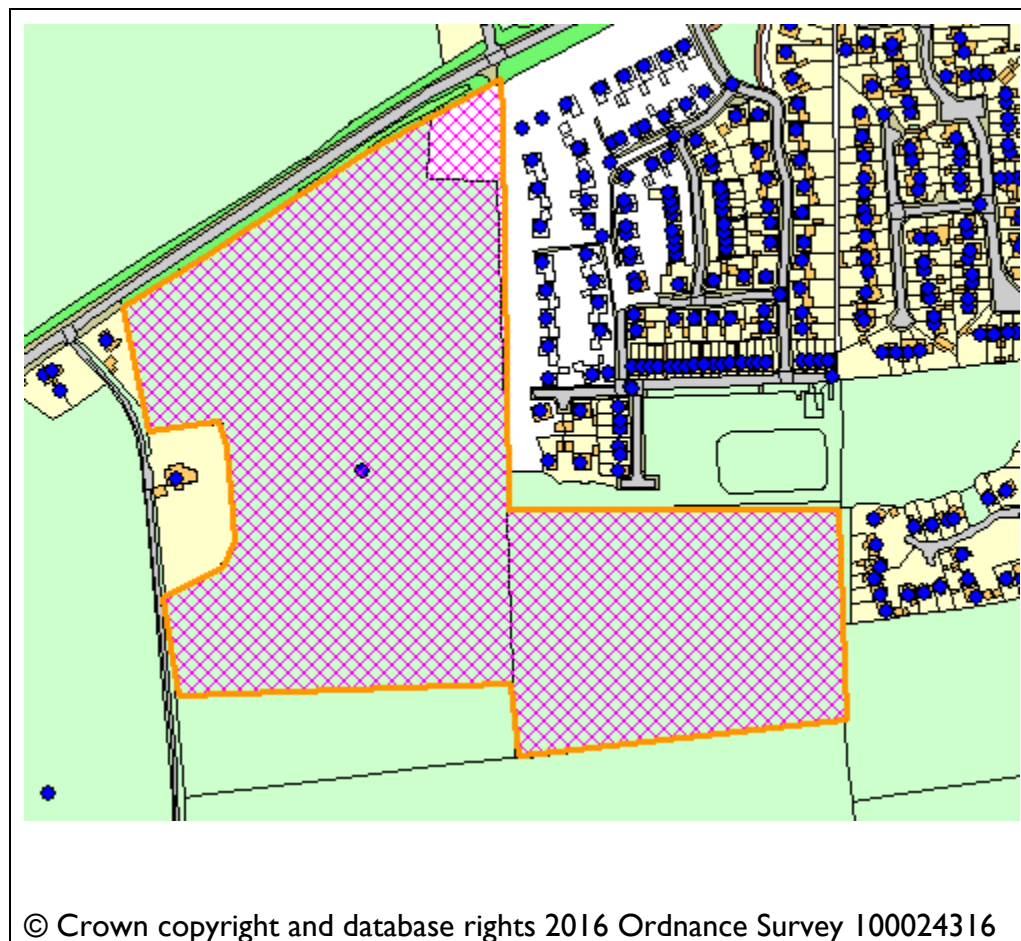
In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works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

- 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: 17th May 2023

Application Number	22/03240/OUT
Site Address	Land South Of Burford Road Minster Lovell Oxfordshire
Date	17th May 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	430649 E 210544 N
Committee Date	30th May 2023

Location Map



Application Details:

Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans)

Applicant Details:

Catesby Strategic Land Limited
Orchard House
Papple Close
Houlton
Rugby
CV23 1EW

I CONSULTATIONS

Climate No Comment Received.

OCC Lead Local Flood Authority No Comment Received.

Major Planning Applications Team No Comment Received.

Thames Water 07/03/2023

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 has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - 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.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" 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.

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

Parish Council

05/03/2023

Minster Lovell Parish Council have considered the above and believe strongly that our original objections, set out in our letter of the 23rd December 2022, remain valid. We continue to strongly oppose this Application basically because it is an opportunistic attempt to impose further housing on the Village in a totally unsustainable way. The recent modifications do nothing to allay our objections.

Re : Section s106 Monies for Minster Lovell

In the unfortunate event that this Application is approved, then

the Parish Council, on behalf of the Village, would like to claim the following s106 contributions.

- Completion of the New Village Hall Project £400,000
- New Tennis Court at Ripley Field £ 80,000
- Expansion of Pre School facilities £ 70,000
- Repair/re-instate River Bank along Wash Meadow £ 90,000
- Renovation and re-modelling of Wash Meadow Pavilion £120,000
- Total £ 760,000

Conservation And Design
Officer

No Comment Received.

WODC Env Consultation
Sites

Thank you for consulting our team. No additional information relating to contaminated land appears to have been submitted since my initial comments were submitted on 19 December 2022. These comments, copied below, are still relevant and the recommended condition should be added to any grant of permission.

The following report has been submitted in relation to potential contamination on site.

- GRM, Land South of Burford Road, Minster Lovell, Oxfordshire. Phase I Desk Study Assessment for Catesby Strategic Land LTD. Project Ref: P10086. August 2022.

Based on the findings of the desk study the consultant recommends that an intrusive investigation is completed. Given that additional works are required please consider adding the following condition to any grant of permission.

- I. 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.

WODC Env Health -
Lowlands

09/02/2023
Air Quality:

I am satisfied with the information provided relating to my queries regarding the Air Quality Assessment for the above development. I have no further queries or comments and can confirm I have no objection to this development on the grounds of air quality.

I would recommend the following condition be included with regard to electric vehicle charging points:

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

Reason: West Oxfordshire District Council is committed to supporting measures that will reduce emissions from transport and is keen to promote the uptake of ultra-low emission vehicles. The incorporation of facilities for charging plug-in vehicles will help to achieve this".

I also support Oxfordshire County Council's suggested condition for the submission of detailed plans of pedestrian and cycle route provisions prior to the first occupation of the development. This should also include the provision of cycle racks within the shopping precinct in Minster Lovell itself.

WODC - Arts

No Comment Received.

District Ecologist

31/03/2023

No objection subject to conditions

WODC Housing Enabler

No Comment Received.

WODC Landscape And Forestry Officer

The location and layout of the housing estate does not reflect or reinforce the linear settlement pattern or character of Minster Lovell/Charterville Allotments

It is an unallocated site that extends into open countryside, within the setting of the AONB. It is within the Upper Windrush Valley Character Area and the Landscape Type of the site is 'open limestone wolds'. It exhibits characteristics typical of this landscape type.

Elevated, open limestone wold landscapes are very visually exposed and particularly sensitive to development. The principal factors that potentially threaten landscape quality in this area include the expansion of settlements into open countryside, the suburbanisation of rural settlements and roads and the visual intrusion of unsightly development and poor management of fringe areas (e.g. West of Witney).

The northern boundary is particularly sensitive. The site is relatively open in views from the B4047. Existing vegetation along the boundary is sporadic. Tree cover is predominately ash

and so this cannot be relied upon to survive in the short to medium term. There is no hedgerow and only occasional scrub cover. This boundary will become more open and exposed. The high ground along the Burford Road ridge is important in protecting views from within the AONB and from within and beyond the Windrush Valley. Consideration will need to be given to the potential visibility of housing development along the high ridge.

Views from the south are more limited. Housing development is likely to be visible, but at some distance. However, views across the wider countryside, across the Windrush Valley, towards Leafield and Wychwood Forest, is likely to be punctuated by a modern housing development roofscape.

The B4047, west of Minster Lovell, retains a very rural character. This would be adversely affected by the construction of housing development, new traffic access infrastructure, new roadside footpaths and signage.

If planning permission is to be supported some points to consider include;

- A woodland buffer of considerable width along the northern boundary to help retain the rural character of the B4047, to protect views from the AONB to the north and to accord with recommendations in the Landscape Assessment.
- Set-back of developable area from northern boundary to accommodate woodland belt, providing sufficient space to avoid conflicts with residential properties.
- Provide a meaningful wooded edge along the southern boundary.
- Relocate main vehicular access as far to the east as possible, to avoid further unnecessary sub-urbanisation along Burford Rd.
- Keep building heights as low as possible to avoid views of housing development on the skyline in views from the north and south.
- Ensure deliverability of pedestrian/cycle connections across third party land.

Natural England

NO OBJECTION:

Based on the plans submitted, Natural England considers that

the proposed development will not have significant adverse impacts on statutorily protected nature conservation site.

Oxford Clinical
Commissioning Group NHS

28/02/2023

SI06 financial contribution of £115,776.00 required.

Area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Windrush Medical Practice surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.

The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.

WODC Planning Policy
Manager

No Comment Received.

WODC - Sports

No Comment Received.

TV Police-Crime Prevention
Design Advisor

No Comment Received.

Thames Water

No Comment Received.

Major Planning Applications
Team

29/03/2023:

Highways:

The applicant updated the proposals in their latest transport note. Based on the updated transport note, OCC remove our previous objections. All the planning conditions requested in our original response should be applied to any granting of planning permission.

SI06 request as follows:

Public transport services £158,620

Public transport infrastructure £5000
Travel Plan Monitoring £1558

Lead Local Flood Authority:

No objection subject to conditions.

OCC Archaeological
Services

No Comment Received.

Major Planning Applications
Team

No Comment Received.

Parish Council

23/12/2022

Minster Lovell Parish Council are Objecting Strongly to the above outline Planning Application. The reasons for this are outlined below :-

1. Local Environment

The application appears contrary to a number of WOLP 2031 Policies and the NPPF 2021.

1.1 The Application is a purely opportunistic attempt to exploit WODC's temporary mismatch in the realisation of its 5-year land supply

2. OS2 - Locating Development in the right places

2.1 This development will have a very detrimental impact on the distinctive character and setting of Minster Lovell. The Village has been recognised as a Non Designated Heritage Asset, and its linear plan of Chartist dwellings, many of them with listed status, together with the 'backlands' and open aspects, have been recognised by at least four Planning Inspectors when rejecting recent development proposals. This application significantly intrudes on that open aspect at its southern part.

2.2 This development has no integration with the Village. It is another 'dormitory' suburb set beyond the existing new Bovis development. This remoteness will force extensive car use for the new residents if they wish to go to the Primary School or visit the Village shops. It is just too far to walk - especially in inclement weather.

3. EH1 - Cotswold Area of Outstanding natural Beauty & EH2 - Landscape Character

3.1 This development will detract significantly from the landscape and the setting of the AONB. It will not assimilate into the landscape and will sit as a blot on the southern edge of the Windrush Valley.

4. T3 - Public Transport, Walking and Cycling

4.1 This development does little to provide opportunities for walking, cycling and use of public transport. The present footpath alongside the B4047 which provides access to the Village and the wider countryside is in a very poor state of repair for much of its length. Its proximity to the busy B4047 in places is dangerous.

4.2 There is no provision for safe cycling to the Village, and use of the existing 'Sustrans' Cycle Route from Minster Lovell is precarious. It runs through an area used by OCC as a store for road chippings, and the following half mile or so is partially overgrown with brambles.

4.3 There is no direct bus service to Oxford - just the 233 to Witney. The nearest Minster Lovell to Oxford service is the S1. The bus stop for this is at the A40/Brize Norton Road junction - nearly 2 miles away from this development. There are no 'park and ride' facilities at these bus stops.

5. OS5 - Supporting Infrastructure

5.1 The upper Village of Minster Lovell, before the Bovis estate and this development, comprised some 600 dwellings. The combined effect of these new housing developments is to increase this by some 45% and the resulting increase of population is not sustainable with the current infrastructure.

5.2 There is little public parking in the Village and none for the School. Already at 'peak' times the traffic/parking problems are intense. These can only get far worse with the proposed development and its distance from the Village

5.3 There is no Chemist in the Village : there is no Doctor : there is no Dentist

5.4 St Kenelm's CofE Primary School is effectively full - it was oversubscribed by 22 places in 2020/2021. The School is located on a small site and any enlargement will impinge on the recreational facilities for the pupils.

5.5 Water and Sewage. The existing Village often suffers from low water pressure owing to problems at the Worsham Reservoir. More houses will only equate to more problems without significant new investment
Similarly with sewage. The pumping station on the Burford Road struggles with the volume of waste water/sewage at times. Recent remedial action was only a partial 'band aid' that is likely to become inadequate with the proposed development

6. Other Matters

6.1 Archaeology. From the comments of the Lead Archaeologist it would appear that only a superficial and imperfect survey has been conducted into known archaeological features on the site. Once these are built over, they are lost forever so it is imperative that a formal and precise investigation is undertaken before this application can be considered.

6.2 Assessing development proposals on Agricultural land. Local Planning Authorities are required to carry out Agricultural Land Classification (ALC) assessments for developments - especially those that are not in accordance with an approved development plan. As this site is likely to be classified as at least Grade 3 'Good to Moderate Quality Agricultural Land', the value of this land in terms of food production at a time of forecast food shortage should be assessed against the value of a non-planned housing development.

6.3 This development will set a dangerous precedent for further similar sized developments West along the Burford Road. The Application already contains a Plan that shows what could easily become a further phase of development by delineating 'Other Land in Applicants Control'. This 'Other Land' is much larger in extent than the current Application.

6.4 Five Year Land Supply. The current glitch in the progress towards the 5 year land supply targets needs to be put in the context of three things

6.4.1 If the glitch is temporary, then it should not influence the Local Planning Authority in its consideration of speculative

proposals such as this one.

6.4.2 There is already significant discussion about the level of targets built into the current LTP These may change and, because of that, caution should be exercised about being stamped into a decision based on current figures

6.4.3 Much talk in Government circles is about making targets 'advisory' rather than 'mandatory'. Should this come to pass, then proposals such as this one should not be considered

For all of the above reasons Minster Lovell Parish Council **STRONGLY OBJECTS** to this outline Planning Application and requests that WODC refuse it

Major Planning Applications
Team

16/01/2023

Highways:

Objection for the following reasons:

- The Transport Assessment does not adequately assess the traffic impact of the development on key junctions in Witney, namely the B4047/A4095 roundabout and the A4095/High Street roundabout.
- The proposals do not provide a valid cycle link into Minster Lovell. The proposed pedestrian footpath should be made 3m wide to function as a shared pedestrian and cycle route.
- Clarity is required on the deliverability of the proposed pedestrian links into the Bovis Homes site. There doesn't appear to be adopted highway abutting the edge of the site, bringing these links into question.

Lead Local Flood Authority:

Objection:

No drainage strategy report/drawing provided to demonstrate how the proposals will follow SuDS guidelines of discharging surface water.

Education:

No objection subject to S106 Contributions:

Primary and nursery education: £ 792,876

Secondary education: £ 831,744

Special education: £ 71,793
Total: £1,696,413

Waste:

No objection subject to S106 contributions
Household Waste Recycling Centres: £13,154

Archaeology:

The site is located in an area of archaeological interest and in line with paragraph 194 of the National Planning Policy Framework (2021) and archaeological desk-based assessment will need to be submitted along with this application. The applicant has submitted a heritage and archaeological assessment, but this has omitted a range of resources that should have been included.

Whilst this has reproduced the HER data it has not attempted to include any further data. This assessment was also not undertaken in line with the Chartered Institute for Archaeology's standards and guidance and no attempt was made to agree a written scheme setting out the methodology and sources that would be consulted and included as required by this standard. Aerial photographs have not been appropriately assessed and seems to rely solely on online resources such as Google Earth. Such online datasets cannot be considered as a reliable source of information about the historic environment and the photographic collection held by Historic England should have been consulted. Archaeological sites identified from aerial photographs within the vicinity of the site, and within the study area of this assessment, have been identified from photographs held by this collection but have not been mentioned in this assessment.

This assessment also omits any consideration of Historic Landscape Characterisation data or Lidar data. Both of these sources are freely available online and the HLC data was provided to the applicant's archaeological consultant as part of the HER data they were supplied. This assessment therefore does not contain an appropriate archaeological assessment of the site or study area.

A geophysical survey has been undertaken which has identified a number of possible archaeological features on the site. Such survey alone however does not provide any information on the

date and survival of such features which is essential in understanding their significance. Geophysical survey alone can also not be relied upon to have identified all archaeological deposits on a site and therefore the results of such surveys need to be tested through field evaluation. In this instance we are aware that a modern service run crosses the site which has not been identified by this survey. It is therefore possible that archaeological features may survive on the site which have also not been identified by this survey.

An archaeological desk-based assessment will therefore need to be submitted with this application site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

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

Conservation And Design
Officer

No Comment Received.

WODC Env Consultation
Sites

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

The following report has been submitted in relation to potential contamination on site.

- GRM, Land South of Burford Road, Minster Lovell, Oxfordshire. Phase I Desk Study Assessment for Catesby Strategic Land LTD. Project Ref: P10086. August 2022.

Based on the findings of the desk study the consultant recommends that an intrusive investigation is completed. Given that additional works are 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.

19/12/2023

Air Quality:

Thank you for the opportunity to comment on the above application. I have reviewed the Transport and Air Quality Assessments (TA & AQA) and have the following comments:

In section 3.5.4 of the AQA it states that the traffic data used in

the assessment was provided by the appointed transport consultant - presumably David Tucker Associates (DTA). Whilst the TA undertaken by DTA mentions cumulative effects, it does not state if any other developments were included in this assessment. Consequently it is unclear if the cumulative affects, of the proposed, committed and future developments, on traffic within the area was assessed.

Please can the applicant confirm the traffic data used in the AQA included committed developments and the proposed East and North Witney SDAs? Also, for clarity, a list of the developments included in the AQA would also be appreciated.

WODC Env Health -
Lowlands

19/12/2022

Noise:

Having reviewed the noise report supplied in connection with this outline application, I can find no reason to disagree with its conclusions.

I would therefore suggest that its recommendations in respect of acoustic design be incorporated into the layout and individual property detail of the full application.

WODC - Arts

No Comment Received.

District Ecologist

Objection: Insufficient information has been submitted to enable a full assessment.

WODC Housing Enabler

The site is within the medium value zone and would trigger a requirement under Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The Planning Statement indicates 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 applicant's Affordable Housing Statement refers to the Council's Affordable Housing SPD content in relation to Social Rent tenure and I request that the rental homes on this scheme are provided as Social Rent.

Having examined those who are registered on the Council's

Homeseeker+ affordable housing lettings system that have indicated Minster Lovell as one of their areas of preference, I can confirm the following house types are required to meet housing need:

1 Bed 88
2 Bed 40
3 Bed 21
4+ Bed 5
Total 154

Applicants can identify up to three locations when selecting their areas of preference. Of these applicants, 13 have indicated a rural connection to Minster Lovell. Only when an applicant makes a successful bid to the Homeseeker+ system will their full connection to areas within and the whole of West Oxfordshire be picked up.

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

Emergency 0
Gold 1
Silver 26
Bronze 127
Total 154

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 154 applicants shown above, there are a further 2715 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

Forestry Officer

Natural England

No Comment Received.

Oxford Clinical
Commissioning Group NHS

20/12/2022

SI06 financial contribution of £120,960.00 required.

Area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Windrush Medical Practice surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.

The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.

WODC Planning Policy
Manager

A detailed submission is online to view. However, the comment concludes as follows:

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

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

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

In this instance, particular consideration needs to be given as to whether the harms identified by those responding to this proposal 'significantly and demonstrably' outweigh the benefits. The key benefits include the provision of additional housing to help meet the Council's five year housing land supply, affordable housing, the provision of additional public open space and the

economic benefits development would bring.

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

WODC - Sports

No objection subject to S106 contributions:

Sport Hall provision of £68,440 toward the cost of a replacement or improvement to Sports Halls in the catchment area.

Swimming pool provision of £75,672 towards the cost of a replacement or improvement to pools in the catchment area.

Outdoor pitch provision £250,600 towards improvements to pitch provision in the catchment area.

Total request = £394,712 towards off site contribution towards leisure and sports facilities in the catchment area.

TV Police-Crime Prevention
Design Advisor

I have reviewed the submitted documents and crime statistics for the area. At this juncture, I would like to request and encourage the applicant to engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.

Thames Water

No Comment Received.

OCC Archaeological
Services

04/05/2023

The applicant has submitted an interim report for the archaeological evaluation we requested on this site in December 2022.

This interim report is however not an acceptable account of that was found and omits any find reports for this site. As such this report does not alter our original comments.

A written scheme of investigation was agreed for this evaluation which clearly stated that '5.1.2 A draft copy of the archive report will be issued in Adobe Acrobat (.pdf) format to the client's archaeologist and planning archaeologist for comment prior to being finalised and prior to formal submission to the planning authority'

This was not undertaken for this interim report but the evaluation for this site will need to be undertaken in line with this agreed written scheme including the agreement of the evaluation report before it is submitted for planning purposes.

We did request this evaluation through the planning system back in December 2022 and the brief for this investigation was provided to their archaeological consultant in October 2022. The applicant has informed us that they did not want to pay for the evaluation until they were sure that everything else was acceptable but that they left this very late in the process does not alter the requirement for this investigation to be undertaken in line with the agreed written scheme

Major Planning Applications
Team

16/02/2023

Highways:

I am satisfied that the applicant's response to our comments has addressed all of our concerns. OCC withdraw their objections and request that the conditions we requested are attached to any approval.

Lead Local Flood Authority:

Objection:

- Provide catchment areas which has been used to calculate the attenuation volumes.
- Clarify the phasing of the development.
- Provide attenuation volumes and discharge rates on the drainage plan.

Education:

No objection subject to S106 Contributions:

Primary and nursery education: £ 792,876

Secondary education: £ 831,744

Special education: £ 71,793

Total: £1,696,413

2 REPRESENTATIONS

2.1. *Two third party support comments received summarised as follows:*

As long as there will be affordable housing it can only be seen as a good thing, we desperately need more affordable housing in the area. I don't think this new development will affect the character of Minster in the slightest, it'll just be slightly larger. However I do hope if this development goes ahead we will see the changes reflected in other areas. We already need more doctors & dentists in the area as well as the village school being under strain. I imagine another small shop will also be necessary.

These homes offer great opportunities to people and give affordable living space. Whether people like it or not population has grown all around the country you cannot expect people to grow and our living areas to stay, there's no harm or threat being imposed to the village.

These homes can improve Minster more than harm it. If your daughter, granddaughter was struggling with rent, living in a small property, paying unaffordable prices, maybe even a single parent you would want better for them and the only way that can happen is improving living areas and growing our villages and towns.

2.2. *152 third party objection comments received summarised as follows:*

Principle

This site has recently been put forward to be included in the West Oxfordshire Strategic Housing Land Availability Assessment (SHLAA) for development but as yet no decision has been made on its suitability. It does not fall within the criteria for Rounding Off or Windfall Development. The applicant ascertains that WODC will not meet its housing targets, but as the housing figure has not yet been confirmed, this claim cannot be verified.

Minster Lovell is not a Service Centre.

This proposal is not part of the local plan and housing is not needed in this area.

It is contrary to policy H2.

There is no evidence to indicate that WODC will not meet its housing targets.

The proposed development is contrary to the NPPF and the Local Plan.

Rishi Sunak has confirmed that he intends to scrap house building targets, and to make them advisory only.

Whilst the lack of a 5 year housing land supply may be tilted further in favour of development, there are many substantial material considerations that are more heavily weighted against this development and permission should be refused.

While it abuts a current development from Bovis homes, it is clearly extending deep into open countryside on both its western and southern borders.

The government have recently revised their planning target by removing the 300,000 new homes per year which means that the Council is no longer obligated to meet the new

housing target. This should be considered, particularly when building on a green site in a village location.

Sustainability

Catesby state: "In summary, Minster Lovell has good access to bus and rail links to adjacent communities and good road links to the principal road network." and "The location of the development is within close proximity to a range of services and facilities, accessible on foot, by bike, or by bus." These statements are simply not true. Minster Lovell is an isolated village with limited access to bus services, minimal access to rail links, very limited internal facilities and only a single road passing through it. The whole sustainability argument for this development simply does not stand up to scrutiny.

This is NOT a sustainable development. Village amenities cannot support another large development. Minster Lovell does not have the facilities/infrastructure to meet the residents current needs and certainly not those for a new large development.

The village has a limited bus service. There is no realistic public transport if you want to travel to work, school or college, or access leisure or medical services. There is no direct service to Oxford City.

Not against new housing but it is not sustainable in Minster Lovell.

There are not sufficient employment opportunities in or near Minster Lovell and as such the residents will be heavily dependent on the private car.

Minster Lovell is not setup to deal with any additional housing, it is struggling with the current Dovecote Park estate so further houses will put more strain on the village which it cannot take.

The local schools and doctors surgeries do not have the capacity to cope with a development of the size proposed.

Transport/Parking

The development will dramatically increase the number of vehicles onto already congested and polluted roads.

Unless a relief road is built, there will be another increase in road traffic along Brize Norton road, which is already busier since Dovecote Park was built.

Car ownership per existing Minster Lovell dwelling is already 2+ depending on age profile - several households have more. This is because the current bus service is inadequate for most peoples' requirements. The travel plan talks of SMART (Simple, Measurable, Achievable, Realistic, Time Limited) targets, but this is utter nonsense if there are no financial penalties for failing to hit those targets. That won't bother the developer because the consequences will fall squarely on the shoulders of the existing residents in the shape of increased pollution, congestion, and further deterioration in our road surface quality.

A speed and flow study & survey should be conducted along the village road to see what the current flow rate is before add additional houses. This should be conducted at the developers expense and not public money.

Question the safety of this scheme with regards to road safety. There is no safe way to cross between each half of the village. There have been very serious accidents involving children

crossing the Burford road this year as a lack of crossing facilities from the bike path and foot path.

Adding another 140 homes is putting the residents of the village in more danger. We live in a village with many established commercial businesses and these need to co-exist with residential areas. 140 new homes may tick boxes for planners, but the increased traffic alongside all the commercial traffic will be at the expense of resident safety on the roads and footpaths.

The junction with the Burford Road would be hazardous.

The footpath along the Burford Road is narrow and dangerous for pedestrians.

There is no cycle lane and the road is hazardous for cyclists.

Roads are in a dreadful state unable to cope with more traffic.

Big concerns about motorists using this road as a rat run for shops and school. Too many entrances from existing new developments to the Burford Road in very short distance.

Getting very dangerous.

Wenrisc Drive has already become a rat run from the Bovis estate to the school and shops.

The road needs to be 20 mph like the ones in Witney.

The parking and access problems within Old Minster especially during weekends and holiday periods (largely due to visiting the Minster Ruins) are well documented and cause the residents much distress and difficulty

The site does not maximise the opportunities for walking, cycling and the use of public transport.

There is a fundamental error in the transport assessment in respect of bus routes.

The Travel Assessment is also at pains to show that health and leisure facilities in Carterton and Witney are accessible by bike or bus but this planning assumption is not grounded in reality.

Households with cars will drive, increasing the pressure on the road infrastructure and the Transport Assessment's forecast of two-way vehicle trips is therefore a ludicrous underestimate.

The suggested walking route from the proposed development to the primary school already gets very muddy and additional use would make things worse. Again this is not sustainable.

Access to the countryside and PROWs from the site is via the Burford Road public footpath opposite which is in a poor state of repair. S106 funds will be required to bring this footpath back into a suitable condition and widened.

Disabled access on the pavements is non-existent. You cannot safely move around the local area due to people constantly parking on the pavements or across them, again due to their being too many people for the amount of parking available.

S106 funds will be required to provide a designated off-road cycle route from the site to the B4477/B4047 junction and for improvements to be made to the existing route to Witney.

There would need to be a roundabout from the new estate onto Burford Road to accommodate the traffic flows. There would need to be a new speed restriction further west on the Burford Road.

Precedent

It will set a precedent for back land development.

If these houses are built we know it won't stop there as we hear more houses are likely to be built after the ones proposed.

This application is only the start of a further development plan from the proposed existing site to Ting Tang Lane and no plans have been put forward to reinforce the local and wider area utility infrastructure.

Catesby will use this as a precedent for expanding development in to the adjacent farmland (all 181.7 acres). A lack of a direction in the West Oxfordshire local plan has enabled this developer to take advantage, this has got to stop. The proposed development is not wanted.

Character, Identity and Appearance including impact on the AONB

Minster Lovell is a Chartist Settlement of unique historical importance. This development will destroy the linear character of the village.

It is a historic village and planning permissions have already eroded some of its identity.

Any more developments in Minster Lovell will cause it to lose its identity and character as a historic village.

These new developments are slowly degrading the attractiveness and appeal of our village, we have already contributed to the housing issues in the county and that should be enough.

The anticipated poor architectural quality of the proposed development maximising profit over aesthetic will detract from the beauty of our natural surroundings and ruin its peace and tranquility.

The village includes several places of considerable historical and archaeological interest including the listed Minster Hall and Charterville properties. The proposed development has the potential to adversely impact on the village setting in which these properties are found.

This plan opens the door for development of a massive housing estate into what was previously open countryside. If we have any respect for our countryside and any desire to preserve it, this makes no sense whatsoever. There are many more opportunities to infill developments in Brownfield sites. The area to the North of the proposed development is an AONB which will clearly be severely negatively impacted by approving such development

The release of this site for development would lead to pressure for further housing development in Minster Lovell which, in equity, would cumulatively undermine the approach of concentrating growth in the most sustainable locations and would further adversely affect the village character and lead to a scale of development that is inappropriate in this rural location.

The development is described as "Phase I" and it is clear that further developments towards Worsham are planned. Granting permission for Phase I will establish a precedent for subsequent developments which will adversely change the character of this village of unique historical importance for ever and should be rigorously opposed.

The proposal will detrimentally impact on the Cotswolds AONB and erode the character and distinctiveness of the village.

The scale of the development is inappropriate.

The landscape setting of the village will be lost.

The tide of new construction is moving towards the ancient barrow to the west, damaging the essential character of this important area. The Archaeologist's report highlights in detail the inadequacies of this application, rejection of which should be justified on these grounds alone.

The location of the green space within the development is poorly thought through. The negative externalities caused on the local environment and culture of the community far outweigh any benefits to the area resulting from this development and therefore strongly object.

The southern boundary of the site should end parallel to Ripley Avenue. Beyond this boundary will detrimentally impact the historic Chartist linear arrangement of the village which the Planning Inspectorate conclude is a non-designated heritage asset.

Further substantial housing developments in and adjacent to Minster Lovell are unacceptable. The older lower village is a Conservation Area and most of the village (upper and lower) is sited within or borders an area of outstanding natural beauty.

We will soon be attached to both Witney and Carterton. Minster Lovell has already done its bit. No more.

Neighbour Amenity

The closeness of the housing to existing house will adversely affect the residential amenity of existing occupiers.

The houses in Whitehall will be overlooked and the proposed development would be highly intrusive.

Biodiversity and Geodiversity

No information has been provided as to what percentage of Biodiversity Net Gain will be agreed for the site.

Construction noise will impact on biodiversity.

Requirement to ensure all planting is appropriate and provides a net gain on site. In particular, a species list will need to be included detailing the species mix to be planted, ensuring where possible fruiting and pollinating species are planted. In addition, a maintenance plan will ensure that long-term biodiversity net gains can be secured.

The ecology, including wildlife habitats of the development and its surrounding area are likely to be adversely affected. Bird varieties include bullfinch (a national nature conservation priority), barn owl, tawny owl, marsh tit and green woodpecker. Flora, too, may be irretrievably destroyed.

There is a rich and diverse variety of wildlife in habitation in and around the fields being offered up for development. We should be protecting wildlife, not forcing it out of their homes. We have lost 70% of our wildlife in the last 50 years. We need to stop encroaching into open countryside.

Infrastructure

The local sewage system is already overwhelmed.

Minster Lovell has not got services for this proposal. One primary school, a post office and local shop are not representative of a sustainable environment to provide for new homes. The school is oversubscribed.

Last summer we had no water due to lack of reservoir and water pumping facilities.

Electricity infrastructure is unreliable.

The River Windrush is one of the most polluted rivers in the whole country because existing infrastructure cannot cope.

Thames Water acknowledges that there are likely to be capacity problems for foul water disposal into the existing pipework located, to the east of the proposed site, in Upper Crescent. Given the already poor state of the Windrush River due to excessive dumping of untreated sewerage by Thames Water, there is no justification for further building development until the sewerage dumping situation is comprehensively and permanently addressed.

The proposed development would place significant increased strain on already stretched local infrastructure, water, electricity, gas, school places, roads, telephone and broadband, medical etc.

It will put a stain on Witney's buckling infrastructure.

There will be an increased risk of flooding and water mains problems.

There is a lack of public transport serving the village.

Consideration needs to be given for the provision of social infrastructure.

SI06 funds will be required for Highway improvement Schemes, Education, Health and Dentist Services, sewerage and clean water provision. These are likely to be challenging if not unviable.

The vast number of new houses recently built in Witney and Carterton have already pushed traffic levels to an extreme; there is a dire lack of dental care and GP appointments; an appalling lack of children's sports facilities such as football pitches and swimming lessons - these are just a few examples and a token payment by developers is not going to offset the additional burden of this proposed development.

Pollution Noise, Light, Carbon Emissions

Because the new development is on high ground it will cause major light pollution to the surrounding area, and will be seen from miles away.

Given the climate crisis why does this proposal seek to provision new gas supplies, presumably for heating and hot water? Where is the forward thinking?

If gas is used for the new estate, why? There should be ground-source heat pumps (air-source heat pumps are very noisy in cold weather).

Is each house going to have a Battery Electric Vehicle charging point? (Though the few days of recent cold weather have shown BEV's to have significant range loss).

Will result in increased noise and air pollution from increased traffic.

Any additional transportation systems contribute to degraded air quality, as well as a changing climate.

Transportation also leads to noise pollution, water pollution, and affects ecosystems through multiple direct and indirect interactions.

Up to 140 additional household carbon footprints where daily activities cause emissions of greenhouse gases. For example, producing greenhouse gas emissions from not only driving but also home heating, or lighting etc.

Public Engagement

The statistics quoted in the Statement of Community Involvement are highly disingenuous. The manner in which the questions were worded enables misleading conclusions to be drawn. In addition, the very poor turnout (only 7 people undertook the survey) was a direct result of NO REAL effort being made to engage with the community - the leaflets were distributed only 7 days before comments closed. The entire public engagement document must be discounted and a proper engagement should be undertaken before this planning application is even put forward for consideration.

Submitting this application over the festive period, where less people are likely to comment, once again shows that they know that this is an unnecessary development with no real consideration for the village, its current residents and the proposal's future residents. This consultation process appears like a sham and one hopes that this does not reflect the true workings and value system of local government. Limited time for considered response has been permitted over what everybody recognises as an extremely busy time of year where most people are, quite correctly, focussing attention on loved ones and consequently have no spare capacity for dealing with these kinds of issues. This is opportunism at its worst and is reprehensible. The argument will doubtless be made that everybody has had an opportunity to respond and that is, at best, disingenuous and, in fact, mendacious.

Crime

It is alleged that the new housing estate (Bovis Homes) has increased the level of crime in the village.

Insufficient funding received by our local police force has resulted in an increase in unsolved crime. New estates and building sights also attract crime adding to an already stretched police force only puts the public at further risk.

Comprehensive Housing Scheme

This ad-hoc planning application needs to be fully planned and incorporated into a formally consulted plan that meets the needs of the existing and potentially additional community and not just be a bolt on of another 25% of the exiting housing stock with the potential to double/triple the housing footprint of the existing village if extended to Ting Tang Lane.

Other

This is a major tourist area being destroyed by the policies of local government. Do not break the golden egg that brings tourists here or you will end up with a wasteland. The effect on peoples mental health will become an issue, people live in Minster Lovell because it is a small village, with surrounding fields to stroll around and nature to see, what will happen when these are destroyed, people will have no-where to go.

There will be significant damage and disruption caused during the project with large machinery and heavy plant causing substantial damage to the land and waterways. The development will consume valuable farmland, this point has never been more valid than it is right now, we need crops not houses.

Dog waste and litter and has increased .

New residents in the Bovis development report feeling isolated from the main village.

The developers (Bovis) have still not completed infrastructure that was promised to the village as part of the Dovecote Park Development .

Some development can add value to an area but too much can contribute to it losing its identity and reasons for attracting a stable and caring community.

I also wonder why we need yet more housing in the general area. Witney, Carterton and indeed Mister it's self have already hosted large housing developments, is there a real need or is just yet another money making scheme for the developers

It is difficult to see how the proposed site will link into both the recent 126 house estate and the rest of the village as a whole and as a result will not support the village businesses.

If the decision is that the site is to go ahead then I strongly urge the council to ensure that any low cost housing is offered first and foremost to Minster Lovell residents.

Developers should be forced to address local issues and concerns BEFORE the planning consent is approved.

When the Bovis consent was given we were told that Minster Lovell had done its bit and no further large developments were planned.

You are turning our village into a town with no thought for village life. We are a village community and we need to stay that way.

If the plan is to build 140 houses and invest NOTHING into solving problems, then it must not go ahead.

If this application is approved, Minster Lovell Playing Field Trust (charity 296070) request the sum of £106 funding to improve its sport and recreation facilities currently to the rear of St Kenelm's Hall, Brize Norton Road, Minster Lovell.

With the price of a new property at an all-time high, will they sell, several new developments in the surrounding areas have yet to sell some properties years after completion.

The council should look at developing unused industrial parks instead of destroying beautiful villages that contain the nations' history, once you destroy these landmarks, that history can never be replaced.

The affordable housing statement from WODC clearly shows that there is no ACTUAL NEED for these additional houses.

Minster Lovell is a village not a town.

Put the environment before financial gain.

Do not need this kind of unaffordable housing ruining our little village.

This particular development is yet another soulless urban extension that does nothing for local people, the local environment and just creates yet more long term issues around lack of infrastructure and transport options.

2.3. *Petition*

A petition has been received with 20 signatures objecting to the application for 140 houses.

2.4. *Stagecoach has commented.*

Its comments are as follows:

Given that an hourly service in fact runs along the site frontage, it is quite appropriate to seek to maximise the accessibility and quality of bus stop infrastructure.

A single eastbound stop exists at the Horse and Radish public house; it is not clear that there is a westbound reciprocal. This is very close to the north east corner of the current Bovis site, and benefits from a direct pedestrian access through the northern part of the existing development very close to completion. Pedestrian connections marked as (2) on the Indicative Master Plan would permit direct and legible pedestrian access to this stop. It would make sense to make proper stop provision in both directions at the Horse and Radish, or the near vicinity and we understand that funding for this purpose was secured from the existing development.

Additionally, a pair of unmarked stops exists at the north west corner of the site at White Hall Cottages. These are the nearest stops for the bulk of the proposed development. We would therefore urge that direct pedestrian provision is made to the Burford Road to these stops, which should be formalised. This should at the least involve a pedestrian crossing refuge and hardstanding, and this might involve moving the stops to a certain extent. It is likely such stops would need to be sited east of any extension of the 40mph speed limit along the site frontage.

This provision is essential to meet the requirements of NPPF, specifically:

- opportunities to promote walking, cycling and public transport use are identified and pursued (para 104 c);
- patterns of movement, streets, parking and other transport considerations are integral to the design of schemes (para 104 e);
- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use (para 112 a).

The adopted Local Plan 2031 has broadly similar policies and the recently adopted County Local Transport and Connectivity Plan 2040 has even more ambitious policies, including an overarching objective to reduce car journeys in the County by 25% by 2030. Achieving a substantial reduction in car dependency and a very great increase in active travel and public transport use is a key measure demanded by Government to support the legally-binding commitment to securing net-zero greenhouse gas emissions by 2050.

We additionally note and welcome the proposed direct pedestrian link to the east, through the current Bovis development and across the Ripley Avenue open space to Brize Norton Road, and the bus stops there, which will be better surveilled, and might well be preferred

by some residents despite being a little further distant. It is more likely still that this link will be used by residents returning from Witney on Carterton-bound buses.

We urge that the proposals take necessary and appropriate steps to ensure that if consented, residents would be able to safely and conveniently access these services.

2.5. WASP (*Windrush Against Sewage Pollution*) has commented

Its comments are as follows:

This submission is made by Windrush Against Sewage Pollution (WASP), a registered charity one of whose aims is to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the River Windrush and surrounding river catchments.

A major focus in working toward this is to eliminate the discharge of untreated and poor-quality sewage into local watercourse. WASP takes no position with respect to development proposals.

WASP contends that without the prior completed upgrade to ensure compliance with the legal permit standard at Witney STW, and adequate resolution of the on-going spilling of raw sewage at Brize Norton SPS, granting of planning permission for this development will simply endorse their present un-permitted and illegal operations, increasing further the spilling of untreated sewage into the River Windrush and Shill Brook catchments.

WASP contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity, but in the face of contrary evidence presented to them, does NOT HAVE to. This belief is based on counsel's advice and case law.

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 It has been demonstrated that the proposed development will deliver all the required on-site infrastructure and an appropriate housing mix, including the required amounts of both affordable and accessible homes. The development would also provide significant public open space and play facilities, SuDS features, biodiversity enhancements, additional planting and pedestrian and cycle links into the village.

3.3 West Oxfordshire cannot demonstrate a 5 Year Housing Land Supply at this time, and therefore the tilted balance is engaged.

3.4 Clear benefits of the scheme include the provision of much needed housing within the District, including the provision of 40% affordable housing, in an area where affordability poses a serious challenge to those in housing need.

- 3.5 The beneficial impacts upon the local economy, both during the construction phase and from new residents once complete should also be given significant weight.
- 3.6 Other benefits include, but are not limited to, the provision of public open space, the delivery of a biodiversity net gain, and improvements and enhancements to the arboricultural value of the site. This submission also demonstrates that sustainability measures will be incorporated at detailed design stage, to ensure the development meets the needs of residents into the future.
- 3.7 It has been demonstrated that there would be no long-term, significant harm to the landscape characteristics of the site and surroundings, and the proposed landscaping on the site boundaries would result in an improvement to the transition between the settlement and surrounding countryside.
- 3.8 It has also been demonstrated that there would be no harm to nearby heritage assets, no unacceptable harm upon highway safety, and the amenity of existing and future residents of Mister Lovell would be preserved.
- 3.9 Financial contributions will be provided, where necessary, to support off-site infrastructure, in consultation with West Oxfordshire District Council and Oxfordshire County Council, and secured via a legal agreement.
- 3.10 This Statement and other documents accompanying the application demonstrate that the proposals not only comply with the Development Plan, but the benefits of the proposal significantly and demonstrably outweigh any limited harm arising from developing the site.
- 3.11 Therefore, this application is commended to West Oxfordshire District Council.

4 PLANNING POLICIES

H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
H5NEW Custom and self build housing
H6NEW Existing housing
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1 Cotswolds AONB
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk

EH8 Environmental protection
EH9 Historic environment
EH11 Listed Buildings
EH12 Traditional Buildings
EH13 Historic landscape character
EH14 Registered historic parks and gardens
EH15 Scheduled ancient monuments
EH16 Non designated heritage assets
WIT6NE Witney sub-area strategy
DESGUI West Oxfordshire Design Guide
NPPF 2021
WIT4NE Land west of Minster Lovell
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.
- 5.2 The application relates to a greenfield site located on land to the south of Burford Road (B4047), on the western edge of Minster Lovell. The existing site comprises agricultural fields, with hedgerows marking the site boundaries.
- 5.3 The site adjoins the allocated WIT4 'Land West of Minster Lovell' (126 dwellings) to the east, which is nearing completion.
- 5.4 The Cotswolds Area of Outstanding Natural Beauty is located immediately to the north of the site. The site is located within Flood Zone 1.
- 5.5 There are no listed buildings, conservation areas or Scheduled Ancient Monuments within 200m of the site. However, Minster Lovell itself is considered to be a non-designated heritage asset. This view is supported by the Planning Inspector of appeal reference APP/D3125/W/18/3211732 where they state:

The village of Minster Lovell was originally a Chartist settlement called Charterville where residents would live in houses with plot-lands, or smallholdings, supporting themselves. As a result, the settlement pattern of the village is an important and significant physical feature and can be seen clearly on maps of the village. The Council consider that due to its history, relative rarity and the fact

that many of the undeveloped plots that show the original layout of the village remain intact; the entire settlement is a non-designated heritage asset. This is a conclusion with which I agree, the significance being derived from the features described above.

5.6 An Environmental Impact Assessment (EIA) Screening Request (planning ref: 22/03089/SCREEN) was submitted to the LPA on 02/11/2023 to establish whether the Proposed Development is EIA. The LPA responded on 20/12/2022 stating the application does not constitute EIA development.

5.7 Officers raised concerns that the scheme extended further to the south than the adjacent Ripley Avenue to the east and as such, secured a reduction to the site area and number of homes proposed.

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

- Principle of Development;
- Siting, Design, Form and Landscape Impact;
- Heritage Impacts;
- Archaeology;
- Highway Safety;
- Accessibility;
- Drainage and Flood Risk;
- Trees and Ecology;
- Residential Amenities;
- Sustainability;
- S106 matters;
- Other Matters; and
- Conclusion and Planning Balance

Principle of Development

Development Plan

5.9 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority 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.

5.10 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), followed by the villages.

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

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

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

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

National Policy

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

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

- 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.

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

Siting, Design, Form and Landscape Impact

- 5.19 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history 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.
- 5.20 Policies OS4 (High quality design), EH1 (Cotswolds Area of Outstanding Natural Beauty) 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.
- 5.21 Policy OS2 sets out general principles for all development. Of particular relevance to this proposal is that it should:
- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - 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.
- 5.22 Minster Lovell is identified in the West Oxfordshire Design Guide as having a 'Linear' and 'Nucleated' settlement pattern. The Design Guide explains that it is a 'Village located in the centre of the District, on an elevated ridge above the 115m contour. Charterville comprises a C19 planned utopian settlement of dispersed linear form. To the north of this, adjacent to

the B4047, is a sizable block of C20 development'. The Charterville area of Minster Lovell has two distinct portions, the linear historic area and the later C20 area. The scheme before the LPA proposes to extend the C20 area further to the west. Officers secured a reduction in the scheme such that it is contained away from the linear area. In that regard, while the development does affect the settlement pattern, it extends the 'sizable block of C20 development' and not the historic linear element. Nonetheless, by adding volume to the C20 moves the overall settlement pattern more toward the nucleated than the linear. This causes some harm to the character of Minster Lovell.

5.23 As noted under Policy OS2, Minster Lovell is suitable for suitable for limited development which respects the village character and local distinctiveness. The 2011 census identified 580 households in Minster Lovell Parish. As noted by the Parish Council, if this scheme were to be approved, when including the Bovis home scheme, would result in an increase of homes in Minster Lovell of 260 (approximate increase of 45%). Whilst the term 'limited' is not defined in the Local Plan, it is the view of officers that the addition up to 134 dwellings would not be 'limited' when considered cumulatively with the Bovis Home development. However, taken as a standalone development, 134 homes as an increase on the 706 (580 plus the 126 Bovis Homes scheme) is just a 19% increase, this is considered to be limited.

5.24 While the development site is outside of the AONB, officers are mindful that the AONB is immediately to the north of the site and thus the development would affect its setting. Policy EHI states 'In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB'.

5.25 Officers acknowledge that the development will affect the setting of the AONB by urbanising the site. However, a balanced view must be taken in light of the allocated WIT4 to the east of the site, as that scheme has a comparable impact on the setting of the AONB. WIT4 was found to be acceptable by the LPA and indeed the Planning Inspectorate when assessing the Local Plan allocations. As such, officers would be hard pressed to demonstrate that this scheme, which has a very similar impact, would be harmful to the setting of the AONB. In addition, significant screening, planting and a suitable separation distance could be secured at reserved matters stage to mitigate the impact to the AONB. As such, officers do not consider the scheme to be harmful to the setting of the AONB.

5.26 While the development is not harmful to the setting of the AONB, it is considered to cause localised harm to the landscape due to the urbanisation of the greenfield site. The application site contributes to the rural ambience on the approach to Minster Lovell from the west. In that regard the site contributes to the rural character of the village. 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 Minster Lovell.

- 5.27 Officers are of the opinion that the land in question, and indeed much of the open countryside to the west of the settlement to be 'open space that makes an important contribution to the character of the village'. It reinforces that Minster Lovell is a rural village and protects the historic linear element. Thus, the proposal would involve the loss of an area of open space that makes an important contribution to the character of the village, conflicting with a general principle of OS2.
- 5.28 The proposal does not wholly respect the village character and local distinctiveness as it extends the existing C20 development, which further delineates the historic from the modern. Cumulatively, it is not limited development (taken in isolation it is limited). It would not protect the local landscape or setting of Minster Lovell; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. In addition, the scheme causes localised landscape harm by urbanising this greenfield site.
- 5.29 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 Policy EH2 of the Local Plan for the landscape reasons identified. However, there is much limiting this conflict, as set out above, and as a landscape led and high quality scheme could be secured at reserved matters stage, officers consider this policy conflict to be moderate.

Heritage Impacts

- 5.30 Minster Lovell is considered to be a non-designated heritage asset. Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
- 5.31 Policy EH16 of the Adopted West Oxfordshire Local Plan states 'When considering proposals that would affect, directly or indirectly, non-listed buildings, non-scheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development. Proposals will be assessed using the principles set out for listed buildings, scheduled monuments and Registered Historic Parks and Gardens in Policies EH11, EH15 and EH14.'
- 5.32 The significance of the non-designated heritage asset is described by the Planning Inspector below:

The village of Minster Lovell was originally a Chartist settlement called Charterville where residents would live in houses with plotlands, or smallholdings, supporting themselves. As a result, the

settlement pattern of the village is an important and significant physical feature and can be seen clearly on maps of the village. The Council consider that due to its history, relative rarity and the fact that many of the undeveloped plots that show the original layout of the village remain intact; the entire settlement is a non-designated heritage asset. This is a conclusion with which I agree, the significance being derived from the features described above.

5.33 Officers would argue that the settlement pattern that warrants protection is to the entirety of the east of Brize Norton Road (between Burford Road to the north and the A40 to the south); and only to the west of Brize Norton Road, south of Ripley Avenue. The western part of Minster Lovell to the north of (and including) Ripley Avenue no longer has a clear historic form; this has largely been compromised by post war and modern development, which includes the Bovis Homes estate to the east of the current scheme. This is in part why officers sought to contain the scheme in line with Ripley Avenue.

5.34 Officers are mindful of the non-designated heritage asset designation and will seek to protect it where applicable. However, officers do not consider this to be a particular constraint for this development. The settlement pattern to the east of the proposed site to Brize Norton Road is not linear, it is a modern and post war housing development in depth. As such, the immediate site does not reflect the original Chartist settlement.

5.35 While officers consider the immediate built form to the east to not reflect the settlement pattern of the original Chartist settlement, there is perhaps an argument that extending Minster Lovell further to the west would affect the significance of Minster Lovell as a non-designated heritage asset. This is noted and has some traction, however, officers can only assign modest harm to this. This is in part because if extending to the west from Minster Lovell were a concern, the Bovis Homes estate to the east of the current scheme would not have been allocated as an acceptable location for development in the current Local Plan (WIT4). Arguably, the impact to the settlement pattern of Minster Lovell is similar between WIT4 and the current proposal. Nonetheless, modest harm is attributed to the impact to Minster Lovell as a non-designated heritage asset.

5.36 There is some modest conflict therefore with Local Plan Policy EH16 and the NPPF insofar as they apply to the impact to Minster Lovell as a non-designated heritage asset.

Archaeology

5.37 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'.

5.38 The County Council Archaeologist commented that the site 'is located in an area of archaeological interest' and makes clear that 'an archaeological desk-based assessment will therefore need to be submitted with this application site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken

in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment. A programme of archaeological field evaluation will be required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation'.

5.39 The applicant has completed an on-site archaeological field evaluation and has produced reports summarising the findings. The County Council Archaeologist has been consulted on the findings and the LPA is awaiting their response. Officers will update Members either through the late representations procedure or verbally at committee.

5.40 To be clear however, if archaeology is found that negates the access proposed (access is being assessed as part of this application), or the quantum of development, it may be the case that refusal is recommended. In addition, as explained by footnote 68 of the NPPF, if archaeology is found that is demonstrably of equivalent significance to scheduled monuments, that should be considered subject to the policies for designated heritage assets and as such, would provide a clear reason for refusal when applying paragraph 11 of the NPPF. Based on the Interim Archaeological Evaluation Report, it is not anticipated that such issues will occur and approval is currently recommended. However, that may be subject to change depending on the final reply from the County Council Archaeologist.

Highway Safety

5.41 This application is in outline with all matters reserved except access. OCC Highways initially objected to the scheme. However, OCC have now removed their objection.

5.42 Officers note the comments relating to congestion and delays through increased traffic. However, the scheme is for 134 dwellings and the road network can accommodate this increase.

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

Accessibility

5.44 The submitted illustrative masterplan shows how the proposed development would link to the existing transport network. An access is proposed onto Burford Road to the north. A footpath is proposed along the southern side of Burford Road that would link to the existing

footpath network and three pedestrian links are proposed to the Bovis Home development to the east.

- 5.45 Officers however raise concerns that the scheme is dominated by dwellings and is relatively remote from many of the key services and facilities found in Minster Lovell. The Town and Country Planning Association (TCPA) defines 20 minute neighbourhoods as 'The 20-minute neighbourhood is about creating attractive, interesting, safe, walkable environments in which people of all ages and levels of fitness are happy to travel actively for short distances from home to the destinations that they visit and the services they need to use day to day - shopping, school, community and healthcare facilities, places of work, green spaces, and more'. In short, key services and facilities should be within a 20 minute round trip when walking.
- 5.46 Although walkable from the development site, most key services and facilities are in excess of the 20 minute guidance. For example, from the centre of the site to the nearest convenience store (SPAR - Minster Lovell) is a 2.4km round trip (28 minutes); and to the nearest school (St Kenelm's C of E School) is a 2.2km round trip (26 minutes). These are measured from within the centre of the site and the distances increase as you move further west and decrease as you move further east.
- 5.47 It must be acknowledged however, that while these are in excess of the 20 minute guidance, the routes are paved and (mostly) lit. As such, they are safe and attractive routes to walk to the services and facilities identified. Also of note is that the distance from Blake Crescent in the Bovis Home Development to St Kenelm's C of E School is a 2km (24 minute walk). Arguably therefore, the distances between the allocated WIT4 'Land West of Minster Lovell' and the current scheme to the services and facilities identified is comparable. Another important consideration is that the Horse & Radish pub/restaurant is just 500m from the site and OCC explain that bus stops exist at White Hall Cottages (200m from the access) and the Horse & Radish on Burford Road (500m). However, both stops are unmarked. OCC seeks funding from the developer to improve the bus service/bus stops in the area.
- 5.48 Officers are aware that the Local Plan does not contain suggested acceptable/sustainable walking distances in relation to new development and access to goods/services. However, 20 minute neighbourhoods' have been gaining momentum for several years. Research (see TCPA publication '20-Minute Neighbourhoods Creating Healthier, Active, Prosperous Communities An Introduction for Council Planners in England') shows 20 minutes is the maximum time that people there are willing to walk to meet their daily needs. A 20-minute journey represents an 800 metre walk from home to a destination, and back again (10 minutes each way). The proposed development is solely for housing as such does not provide the infrastructure or services required to serve the development. Occupiers are required to travel to meet their daily needs, this travel is likely by private vehicle and less by walking, as such, the proposed development would not meet the definition of a 20 minute neighbourhood. Be that as it may, the development would have permeability with the existing settlement, the routes are safe and attractive to walk, and the distances are comparable with the Bovis Home development to the east. As such, officers could not describe the development as being 'unsustainable' in accessibility terms, however, it could

not be considered as wholly sustainable either. There is no clear cut off where a development would become unsustainable in these terms, no fixed distance that when crossed would equal unsustainable development, nonetheless, officers note there is some conflict with Local Plan Policy T1 and T3, and the NPPF in that regard.

Drainage and Flood Risk

5.49 The site is within flood zone I and the Lead Local Flood Authority (LLFA) at OCC have not objected to the scheme. A drainage scheme will be secured by condition.

5.50 Thames Water (TWA) have also raised no objection however, they are requesting conditions relating to foul drainage and water as they acknowledge that insufficient capacity exists in the network. These conditions ensure that the development cannot be occupied until confirmation is received from TWA that sufficient capacity exists in the network.

5.51 Officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere and issues relating to foul drainage and water can be controlled by condition.

Trees and Ecology

5.52 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'.

5.53 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.

5.54 The Councils Biodiversity Officer confirms that the impact to great crested newts, reptiles, badgers, dormice, and ground nesting birds can be controlled by condition. Officers have no reason to disagree with their findings and the suggested conditions will be applied.

5.55 The submitted Defra BNG 3.1 metric has demonstrated a measurable biodiversity net gain can be delivered on-site as part of the development (10.03% habitat units and 101.18% in hedgerow units). The scheme therefore will result in biodiversity net gain at the site.

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

Residential Amenities

5.57 As this application is outline, the size, position, orientation of dwellings are not being assessed. However, noise and disturbance can be considered. A number of objectors have

referred to noise, disturbance and inconvenience arising from the construction of the proposed development. Such impacts are relatively short lived and can be mitigated by adherence to an agreed construction management plan.

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

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

Sustainability

5.60 The applicant has submitted a 'Sustainability Statement' which states that the proposed dwellings would be built to meet the 2025 Future Homes Standards, delivering net zero ready homes, which reduce carbon emissions by at least 75% beyond current regulations. Furthermore, it is suggested that the buildings would be designed to make use of sustainable materials to reduce the environmental impact of construction and waste minimisation strategies would be employed throughout the construction.

5.61 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. The applicant states that this will be achieved through a combined fabric, energy efficiency and low carbon renewable energy approach such as; triple glazed windows, heat recovery systems, provision of solar PV on all homes and air source heat pumps. A number of other measures are proposed such as water efficiency, landscaping, and the provision of cycle parking and a pedestrian footway/cycleway. These measures can be secured by condition to ensure they are delivered on site.

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

5.63 Policy OS3 states 'All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources.'

5.64 In light of the support offered to the scheme by OS3, and in the context of the declared climate emergency and the current 'energy crisis', the sustainability measures proposed attracts significant weight in support of the proposal.

SI06 matters

5.65 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.

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

5.67 Policy H5 requires that 5% of the plots be secured for self-build. The applicant proposes to meet this requirement.

5.68 OCC seek the following contributions:

- Primary and nursery education: £ 792,876
- Secondary education: £ 831,744
- Special education: £ 71,793
- Household Waste Recycling Centres: £13,154
- Public transport services £158,620
- Public transport infrastructure £5000
- Travel Plan Monitoring £1558

Please note it appears that the amounts requested by OCC do not reflect the reduction in dwellings from 140 to 134. Officers have requested updated figures from OCC and will update Members either through the late representations procedure or verbally at committee.

5.69 OCC also require the Applicant to enter into S278 agreement(s) to mitigate the impact of the development as set out in their comment. This is to be secured by means of SI06 restriction not to implement development until S278 agreement has been entered into.

5.70 The NHS are requesting £115,776.

5.71 £394,712 off site contribution towards leisure and sports facilities in the catchment area is required.

5.72 The Parish Council have requested the following contributions:

- Completion of the New Village Hall Project £400,000
- New Tennis Court at Ripley Field £ 80,000
- Expansion of Pre School facilities £ 70,000
- Repair/re-instate River Bank along Wash Meadow £ 90,000

- Renovation and re-modelling of Wash Meadow Pavilion £120,000

5.73 In relation to the Parish requests, paragraph 57 of the NPPF states 'Planning obligations must only be sought where they meet all of the following tests:

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

5.74 Officers consider the request for £400,000 for the New Village Hall Project to meet the tests. It will aid community cohesion between the occupiers of the new homes and the existing community. The applicant is willing to provide this funding and the £400,000 will be secured through the legal agreement.

5.75 However, the tennis court and works to the Wash Meadow are not considered to meet the tests as in conjunction with the £400,000 for the New Village Hall Project, results in a cumulatively unreasonable request. These will not be secured. The need for Pre School facilities are funded by the request from the County Council so the LPA cannot seek this twice.

Other Matters

5.76 Officers are mindful of the comments received relating to the inability of the existing infrastructure to meet the needs of the occupiers of the new homes and indeed, the existing community. However, the NHS and OCC were consulted and neither are objecting. They acknowledge that the increase in population requires mitigation and are requesting financial contributions to assist in that aim. All the funding requests from OCC and the NHS will be met by the applicant through the legal agreement. Ultimately, if there are insufficient services and facilities to meet the needs of the village population, that village must grow in order to secure investment in the required services and facilities. Officers are also mindful of paragraph 85 of the NPPF which states 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.'

5.77 The applicant has agreed to a reduced timeframe of two years for the reserved matters to be submitted to the LPA and a total of four years for development to begin (four years from the date of the outline permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later). This ensures the homes are delivered in good time and make a meaningful contribution to the housing shortfall in the District.

5.78 Comments from Ministers regarding the removal of housing targets should be disregarded. The District Council's most up-to-date Housing Land Supply Position Statement dated November 2022 acknowledges that the District Council is currently unable to demonstrate a 5 year supply of deliverable housing sites (currently this stands at a 4.1 year supply). This is the published position of the LPA and as such, there is an identified need for this housing.

5.79 A children's play area and recreational route is proposed, this weighs in favour of the scheme.

Conclusion and Planning Balance

5.80 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.

5.81 Officers note that Minster Lovell is considered to be a non-designated heritage asset. However, limb i. above does not seek to protect non-designated heritage assets. As such, there are no policies in the NPPF that protect areas or assets of particular importance that would provide a clear reason for refusing the development proposed.

5.82 Moving to the balancing exercise as required by the NPPF, taking the benefits of the proposal first. The proposed development would add up to 134 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.

5.83 Of the up to 134 dwellings, 40% (up to 54 homes) would be affordable homes, this attracts significant positive weight.

5.84 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.

5.85 A children's play area and open space/recreational route is proposed. This attracts moderate weight commensurate with the scale of development.

5.86 Three pedestrian links between the current scheme and the adjoining Bovis Homes development ensures the development is permeable with the existing settlement and encourages sustainable travel options. This attracts moderate weight commensurate with the scale of development.

- 5.87 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.
- 5.88 Biodiversity net gain would be achieved. This attracts moderate weight commensurate with the scale of development.
- 5.89 The sustainability measures proposed attracts significant weight in support of the proposal.
- 5.90 The planning Statement notes that 5% (up to 7) of the homes would be 'self-build' plots. In a recent appeal decision at Land to the rear of Brock Cottage, Burford Road, Brize Norton for the provision of two Self-Build/Custom Housebuilding plots. The Inspector noted in point 34 that 'the Council has fallen well short of granting suitable planning permissions to meet the identified SBCH [self build and custom housing] demand. Although the contribution to SBCH supply would be small, the extent of the shortfall, the statutory SBCH duty, and the identified economic and social benefits would cumulatively amount to substantial weight in the balance'. The application at Land to the rear of Brock Cottage proposed two self build plots and that attracted significant weight in the assessment. As the current scheme proposes up to 7 self-build plots, it stands to reason that these would attract more than significant positive weight.
- 5.91 A reduced timeframe for the reserved matters to be submitted and for development to begin ensures the development makes a meaningful contribution to the housing shortfall in the District.
- 5.92 Moving to the adverse impacts. The proposal does not wholly respect the village character and local distinctiveness as it extends the existing C20 development, which further delineates the historic from the modern. Cumulatively, it is not limited development (taken in isolation it is limited). It would not protect the local landscape or setting of Minster Lovell; and would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area. In addition, the scheme causes localised landscape harm by urbanising this greenfield site. In light of the points raised within this report, the resultant harm is considered to be moderate and thus moderate negative weight is assigned to these harms.
- 5.93 There is some conflict with Local Plan Policy T1 and T3, and the NPPF in that distances to key services and facilities are in excess of the 20 minute guidance. However, this issue is mitigated as explained in the accessibility section. This amounts to moderate negative weight against the scheme.
- 5.94 Turning to the planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.

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

6 CONDITIONS

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

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

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

REASON: The application is not accompanied by such details.

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

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

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

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

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

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. 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.

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

7. 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.

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

8. 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 and trees;

- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- IV. Details of a precautionary working method statement for the following species: great crested newts, reptiles, ground-nesting birds and dormice;
- V. Details of a badger sett closure method statement, including precautionary working methods in the event commuting/foraging badgers enter the site;
- VI. 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);
- VII. The times during construction when specialists ecologists need to be present on site to oversee works;
- VIII. Responsible persons and lines of communication;
- IX. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- X. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- XI. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:
 - I. Details of planting such as, hedgerows, tree planting, aquatic and emergent vegetation, scrub planting and grassland planting;
 - II. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - III. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
 - IV. Details of integrated bird and bat boxes, dormouse nest boxes, reptile hibernacula, hedgehog friendly fencing and bee bricks;
 - V. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance

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

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

10. 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. Details of signage to be incorporated along public footpath informing residents of the ecological importance of pumping station meadow local wildlife site;
- IV. Aims and objectives of management, including ensuring the delivery of onsite biodiversity net gain;
- V. Appropriate management options for achieving the aims and objectives;
- VI. Prescriptions for all management actions;
- VII. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- VIII. Details of the body or organisation responsible for implementation of the plan;
- IX. 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;
- X. Timeframe for reviewing the plan;
- XI. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- XII. 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.

11. 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.

12. The development hereby approved shall be constructed in accordance with the Sustainability Statement prepared by Turley (April 2023; Turley Reference CATZ3041) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Climate Change Strategy for West Oxfordshire 2021-2025, Local Plan Policy OS3, and the NPPF.

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

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

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

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

- 1) All water network upgrades required to accommodate the additional demand to serve the development have been completed; or

- 2) A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

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

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

16. Prior to first occupation of the development hereby approved, full details of the means of access between the land and the highway, the shared pedestrian & cycle path and bus stops, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the first occupation of the development hereby approved, a Travel Plan and Travel Information Pack, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

- The CTMP must be appropriately titled, include the site and planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

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

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

REASON: In the interest of protecting neighbour amenity.

INFORMATIVES :-

- Please note 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.

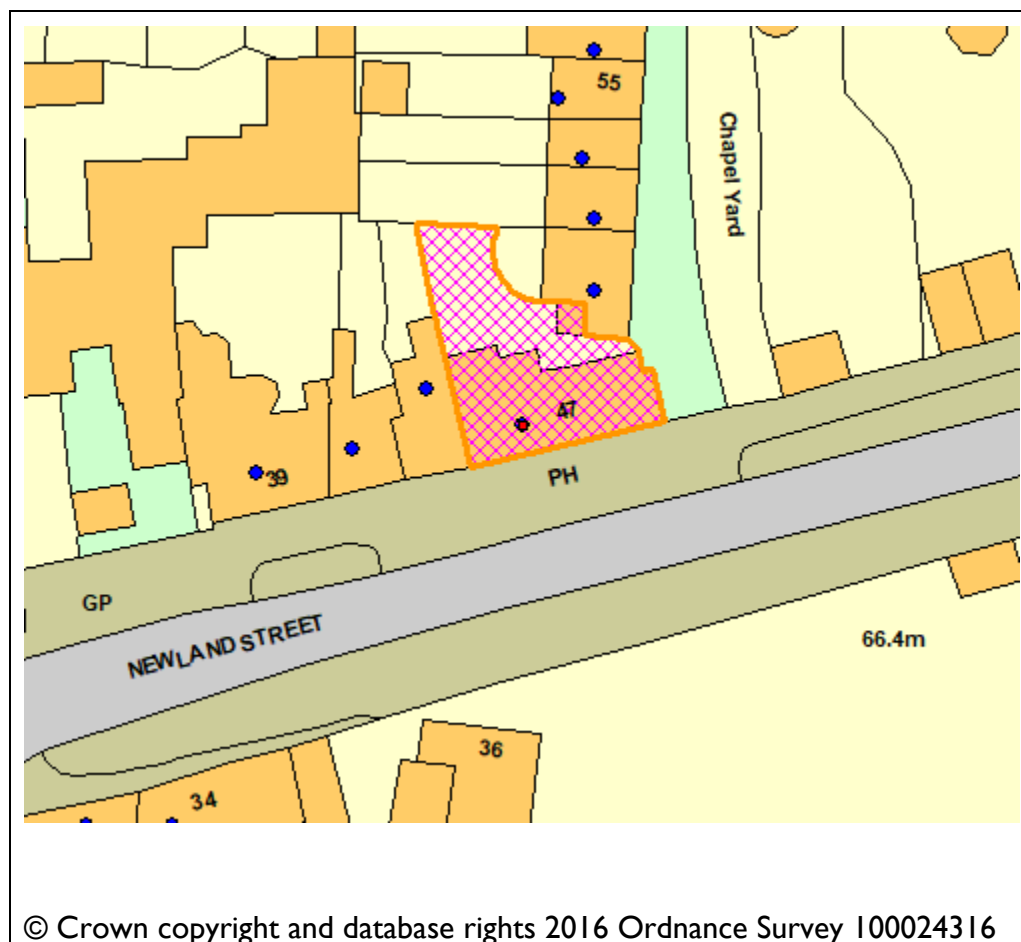
In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works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

- Signposting along footpaths, informing new residents of the ecological importance of the Pumping Station Meadow Local Wildlife Site is required.
- The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Please see Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- The developer can request information to support the discharge of the Thames Water condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).
- The applicant should engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.

Contact Officer: David Ditchett
Telephone Number: 01993 861649
Date: 17th May 2023

Application Number	23/00730/FUL
Site Address	The Newlands Inn 45 - 47 Newland Street Eynsham Witney Oxfordshire OX29 4LD
Date	17th May 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443554 E 209577 N
Committee Date	30th May 2023

Location Map



Application Details:

Change of use of public house to a residential dwelling.

Applicant Details:

Mr And Mrs Woodin

C/o Agent

I CONSULTATIONS

WODC Env Health -
Lowlands

Mr ERS Pollution Consultation Thank you for the opportunity to consult.

I have no objections in principle regarding this application. I would suggest the following conditions:-

1. Prior to the commencement of any work, the applicant shall submit to, and have approved by the Local Planning Authority, a construction management plan. The plan shall include among other details, measures to be taken to minimise disturbance from noise, dust, site lighting and prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

2. 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.

Kind regards

Karen Awre
Officer
Noise & Amenities

WODC Business
Development

On the face of it I support a refusal but it is complicated because there are several other pubs in Eynsham and we don't want to undermine their viability by forcing one to stay open if it takes critical trade from others. The parish council will have a better understanding of the local dynamic than I do. The principle we have to uphold is that people cannot buy a business premises, operate it for a bit and then when they want to retire, think that they can remove the property from the economy for their own benefit. That is not on and that is my default position.

OCC Highways	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
Conservation And Design Officer	No Comment Received.
Parish Council	Eynsham Parish Council has considered the application and has no objection

2 REPRESENTATIONS

2.1 5 Objection Comments were made which have been summarised below (full comments available to read on the application)

- Over inflated sale price
- Popular Pub
- Pub Plays an important role in Eynsham's identity
- importance of retaining local facilities and services

3 APPLICANT'S CASE

The lack of interest in Newlands Inn through general interaction with the campaign and offers submitted indicate the lack of demand for the building as a public house. With the reasons for the lack of offers supporting how the commercial use is not viable in competition with nearby public houses further supports the argument for a change of use.

4 PLANNING POLICIES

E5NEW Local services and community facilities

EH9 Historic environment

EH10 Conservation Areas

EYNSNP Eynsham Neighbourhood Plan

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

The application site is located within the village of Eynsham and the Conservation Area. The property itself is Listed and its current use is a public house.

The proposal seeks planning consent for a change of use from public house to residential dwelling.

The application is to be heard before the Lowlands Planning Sub-Committee by a request from Cllr Levy. His planning reasons are relating to the conflict with Policy E5 of the adopted West Oxfordshire Local Plan (WOLP).

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 the Principle to the development.

Principle

Your officers consider that Policy E5, Local services and community facilities is the most relevant policy of the adopted West Oxfordshire Local Plan. The policy states;

The Council will support the development and retention of local services and community facilities to meet local needs and to promote social well being, interests, interaction and healthy inclusive communities.

Development proposals that would result in the loss of community facilities and services will only be supported where it can be clearly shown that:

appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain, and;

in the case of pubs, shops and other commercially run services and facilities, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise will be required to demonstrate that the use or premises is unviable in accordance with separate guidance published by the Council.

In considering development proposals for the loss of local services and community facilities, the Council will have regard to whether a site or facility is registered as an Asset of Community Value.

The previous application (21/02896/FUL) was refused due to the lack of information in relation to policy E5 and the loss of the Public House (employment land).

The applicant has sought to address the reason for refusal but submitting additional documentation to support the application.

First considering the appropriate provision in the vicinity by foot. As with the previous application, your officers are satisfied that there is appropriate alternative provision by foot within the village many of which are less than 15minutes walk from The Newland Inn.

Secondly, the applicant has provided a specific marketing report to address the second point within policy E5 and the previous refusal reason. Officers have assessed the information within this report and the subsequent information submitted by email and are satisfied that the site has been adequately advertised including for an adequate length of time and in appropriate marketing press for this type of business and location. Officers also note the advert placed on the Parish Council Website in Dec 2021 for the pub to be bought and run as a community asset, which was unsuccessful

The Council's Rural Business Officer has made the following comments;

On the face of it, I support a refusal but it is complicated because there are several other pubs in Eynsham and we don't want to undermine their viability by forcing one to stay open if it takes critical trade from others. The parish council will have a better understanding of the local dynamic than I do.

The principle we have to uphold is that people cannot buy a business premises, operate it for a bit and then when they want to retire, think that they can remove the property from the economy for their own benefit. That is not on and that is my default position.

Officers also must consider policy ENP10 of the Eynsham Neighbourhood Plan (ENP) which states:

A -The loss of existing business land will generally be resisted unless it can be robustly demonstrated that the site is no longer able to play a beneficial role to the local economy and/or the alternative use would deliver a significant community benefit.

The Parish Council have raised no objection to the application

Officers note within the objection comments made that it is claimed that the advertised value is over inflated and not a fair market value. However based on the information provided and having visited the site, your officers consider that the marketed value is reasonable given the location, facilities provided by the pub and the alternative provision in the vicinity.

Therefore whilst officers see the loss of this employment site and Public House as regrettable, on balance the scheme meets the criteria within policy E5 of the WOLP and ENP10 of the ENP and therefore is considered acceptable in this regard.

Siting, Design and Form

Given that there are no physical external or internal changes proposed, Listed Building consent is not required in this instance.

Since the application site is within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area. Given that there is no external alterations your officers do not consider that the visual appearance of the Conservation Area will be adversely affected.

Highways

OCC Highways have not objected to the proposal in terms of highway safety issues or parking provision.

Residential Amenities

Your officers consider that the proposal will not adversely affect residential amenities as no physical alterations will be made to the existing building.

Conclusion

Your officers consider that the applicant has satisfactorily demonstrated that the existing public house is not viable, and that the commercial premises could be used for alternative uses.

In light of the above your officers consider that the proposal complies with the requirements of Policy E5 of the adopted West Oxfordshire Local Plan and ENPI0 of the Eynsham Neighbourhood Plan and relevant sections from the NPPF and recommendation is approval.

6 CONDITIONS

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

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

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

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

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 17th May 2023