

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 30th May 2023

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

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Report of Additional Representations

Application Number	22/03240/OUT
Site Address	Land South Of Burford Road Minster Lovell Oxfordshire
Date	26 th 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

Additional Third Party Comments Received

Two further third party objections has been received. These are available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/> and are summarised below:

- Make village too big;
- Loss of village character;
- Village is unable to cope with sewage and water infrastructure;
- The NHS would be unable to support health care for the increase in population without funding to expand services in Witney;
- Landscape harm;
- Loss of ecology; and
- Proposal has no positives and only brings negatives.

Additional Consultee Comment Received

A comment from the County Council Archaeologist has been received. This is available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/> and is included in full below:

‘The applicant has now submitted a report for the archaeological evaluation we requested in December 2022.

This evaluation report was not agreed with us as set out in the written specification. The report would have benefited with a number of amendments to the plans to make it clearer what was found and to make it possible to accurately locate the features identified. I am aware however that this application is due to go to committee and that the applicant chose to wait to undertake this evaluation until they were sure everything else was agreed.

The report however does demonstrate that there was no significant archaeological deposits on the site.

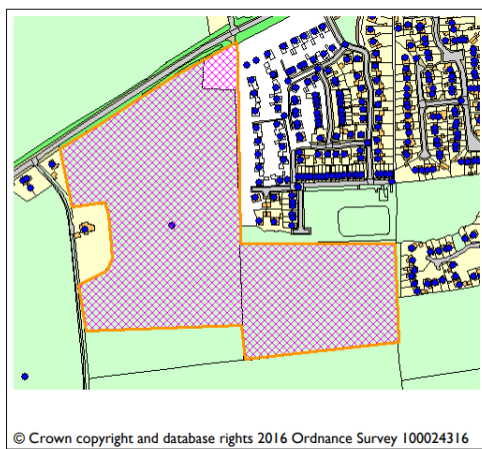
As such there are no archaeological constraints to this development’.

In light of the comment from the County Council Archaeologist, officers can advise that all archaeological matters have been addressed and no conditions are required.

Committee Report

Location Map

The Location Map showing the site area shown on page 65 of the Agenda Reports Pack (shown below) is incorrect. The site area was reduced following negotiations with officers. The correct site area is shown on Drawing 16b - Site Location Plan (received 13 Feb 2023) which is available to view in the online case file <https://publicaccess.westoxon.gov.uk/online-applications/>. An extract of the correct site area is shown below. If permission is granted, the correct location plan will be secured by condition.



Incorrect site area.



Correct site area.

Siting, Design, Form and Landscape Impact

Paragraph 5.23 (page 101 of the Agenda Reports Pack) contains a typographical error. It reads 'As noted under Policy OS2, Minster Lovell is suitable for suitable for limited development which respects the village character and local distinctiveness.' It should read 'As noted under Policy OS2, Minster Lovell is suitable for limited development which respects the village character and local distinctiveness.'

Accessibility

Paragraphs 5.44 to 5.48 of the report (pages 104-106 of the Agenda Reports Pack) sets out accessibility to services and facilities such as the convenience store (SPAR - Minster Lovell) and school (St Kenelm's C of E School). These distances were assessed using current paved and lit routes. However, officers are aware that a new lit hogging path from the south-eastern corner of the Bovis development across the Ripley Avenue play area is due to be completed. While the timeframe for, or indeed, if, this hogging path will be complete is not known, if completed, this will reduce the walking distances from the proposed development to the services and facilities on offer in Minster Lovell.

Planning Balance

The impact to Minster Lovell as a non-designated heritage asset is assessed in paragraphs 5.30 – 5.36 of the report (pages 102 and 103 of the Agenda Reports Pack). However, this impact is not expressly included within the Planning Balance section. For clarity, modest harm is attributed to the impact to Minster Lovell as a non-designated heritage asset and as such, modest negative weight is

afforded against the development in that regard. This does not alter the recommendation of approval (subject to a legal agreement).

Covenant

Officers have been made aware that the development site is subject to a covenant(s). Covenant(s) on the land are not a planning matter and as such is not material to the planning decision. This is a matter for the respective landowners to settle between themselves

Report of Additional Representations

Application Number	20/02654/OUT
Site Address	Land South East Of Oxford Hill Witney Oxfordshire
Date	26 th May 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	437058 E 209494 N
Committee Date	30th May 2023

OCC Transport – Recommendation:

No objection subject to S106 contributions; an obligation to enter into a S278 agreement and planning conditions - See attached.

Officer comments – In light of the recent comments from OCC and the agreement from the applicant to deliver the necessary connections, which can be secured via a S106 agreement, refusal reason 3 is now addressed. The resolution of this refusal reason is welcomed but should be afforded only limited weight in Officers view given that these connections are required to be delivered by this development to meet policy requirements.

The remaining reasons for refusal however, remain unresolved.

Refusal reason 2 should be amended to make reference to Policy EH5 (lack of necessary recreational facilities).

In conclusion, it is still 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.