

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 19th June 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

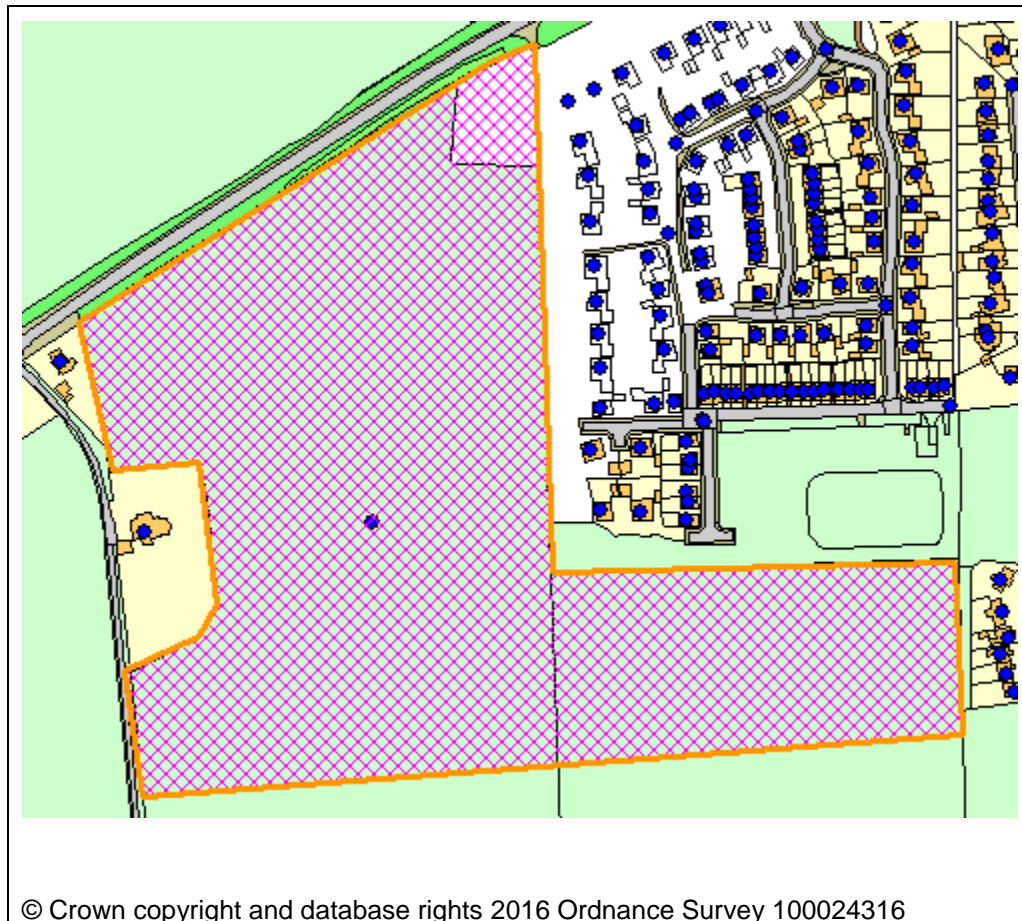
Please note that:

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

Page	Application Number	Address	Officer
13-62	22/03240/OUT	Land South Of Burford Road	David Ditchett
63-67	23/00981/HHD	The Old Byre 14 Newland Close	Darcey Whitlock

Application Number	22/03240/OUT
Site Address	Land South Of Burford Road Minster Lovell Oxfordshire
Date	7th June 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	430649 E 210544 N
Committee Date	19th June 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	02/06/2023 Education: No objection subject to S106 Contributions as follows: Primary and nursery education £ 755,120 Secondary education £ 805,752 Special education £ 71,793 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. S106 request as follows: Public transport services £158,620 Public transport infrastructure £5000 Travel Plan Monitoring £1558 Waste: No objection subject to S106 contributions as follows: Household Waste Recycling Centres £12,591 Lead Local Flood Authority: No objection subject to conditions
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](https://www.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.

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 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 suburbanisation 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

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 :-

I. Local Environment

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

I.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. EHI - 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 deskbased 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.

- 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.

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 effects, 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.

WODC Landscape And
Forestry Officer

No Comment Received.

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.

24/05/2023

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.

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. *157 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 resident's 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.

SI06 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

NHS cannot cope

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 existing 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 Minster itself 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 nation's 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.

Damage quality of life

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 unpermitted 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 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.

- 5.6 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 This application was heard by Members of the Lowlands Area Planning Sub-Committee on May 30th 2023. The application was deferred for a site visit.
- 5.9 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

- 5.10 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.
- 5.11 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.
- 5.12 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'.

5.13 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'.

5.14 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

5.15 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.

5.16 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.

5.17 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).

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

5.19 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.

Siting, Design, Form and Landscape Impact

- 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.
- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 As noted under Policy OS2, Minster Lovell is 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.
- 5.25 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 EH1 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'.

5.26 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.

5.27 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.

5.28 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.

5.29 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.

5.30 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

5.31 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'.

5.32 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.'

5.33 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.

5.34 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.

5.35 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.

5.36 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.

5.37 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

5.38 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'.

5.39 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'.

5.40 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 they explain that '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.'

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 Officers are aware that a new lit 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 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. This is noted and is a material consideration; however, the distances referenced in this report were assessed using current paved and lit routes.
- 5.48 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.
- 5.49 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

- 5.50 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.
- 5.51 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.

5.52 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

5.53 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'.

5.54 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.

5.55 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.

5.56 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.

5.57 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

5.58 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.

5.59 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.

5.60 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

5.61 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.

5.62 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.

5.63 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.

5.64 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.'

5.65 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.

S106 matters

5.66 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.

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

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

5.69 OCC seek the following contributions:

- Primary and nursery education: £ 755,120
- Secondary education: £ 805,752
- Special education: £ 71,793
- Household Waste Recycling Centres: £12,591
- Public transport services £158,620
- Public transport infrastructure £5000
- Travel Plan Monitoring £1558

Please note, the figures for education and waste were updated since the May 30th Committee (to reflect the reduced housing numbers). However, the figures for transport related contributions are yet to be amended. Officers have requested updated figures from OCC and will update Members either through the late representations procedure or verbally at committee.

5.70 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 S106 restriction not to implement development until S278 agreement has been entered into.

5.71 The NHS are requesting £115,776.

5.72 £394,712 off site contribution towards leisure and sports facilities in the catchment area is required.

5.73 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

5.74 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.

5.75 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.

5.76 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

5.77 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.'

5.78 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.

5.79 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.

5.80 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

5.81 A children's play area and recreational route is proposed.

Conclusion and Planning Balance

5.82 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.

5.83 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.

5.84 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.

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

- 5.86 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.
- 5.87 A children's play area and open space/recreational route is proposed. This attracts moderate weight commensurate with the scale of development.
- 5.88 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.
- 5.89 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.
- 5.90 Biodiversity net gain would be achieved. This attracts moderate weight commensurate with the scale of development.
- 5.91 The sustainability measures proposed attracts significant weight in support of the proposal.
- 5.92 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.
- 5.93 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.
- 5.94 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.
- 5.95 Modest harm is attributed to the impact to Minster Lovell as a non-designated heritage asset and thus modest negative weight is assigned to this harm.
- 5.96 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.

5.97 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.

5.98 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.
- The applicant should engage with Thames Valley Police at the earliest, pre-application stage for all forthcoming Reserved Matters applications wherever possible.

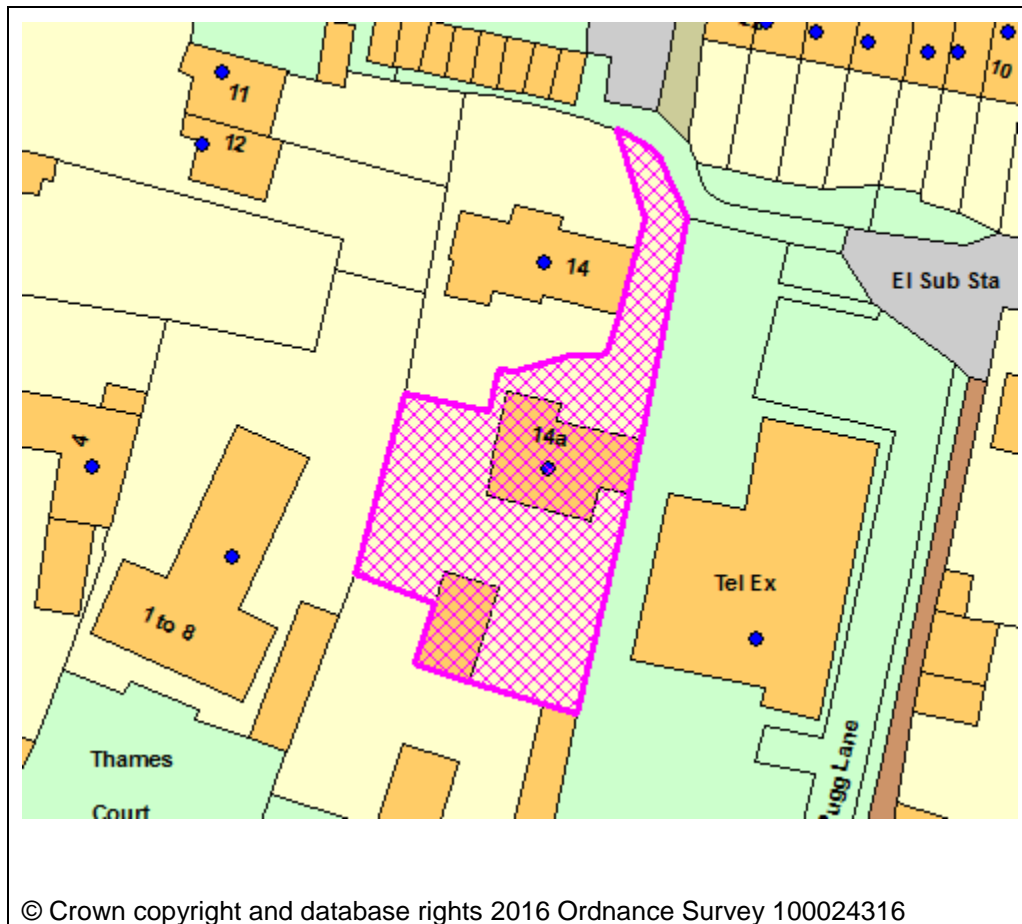
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 7th June 2023

Application Number	23/00981/HHD
Site Address	The Old Byre 14 Newland Close Eynsham Witney Oxfordshire OX29 4LE
Date	7th June 2023
Officer	Darcey Whitlock
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443343 E 209363 N
Committee Date	19th June 2023

Location Map



Application Details:

Demolition of existing garden shed, erection of greenhouse potting shed and a separate lean-to bin store

Applicant Details:

Mr Harry St John
The Old Byre
14 Newland Close
Eynsham
Witney
Oxfordshire
OX29 4LE

1 CONSULTATIONS

Conservation And Design
Officer

No Conservation Objections.

Parish Council

Eynsham Parish Council has no objection to this application.

2 REPRESENTATIONS

2.1.No third party representations received.

3 APPLICANT'S CASE

3.1 The applicants Planning and Design Statement concludes as follows:

3.2 Both myself and my wife are keen gardeners so having a green house/potting shed will help grow plants for the garden and an allotment. The potting shed element will also provide storage for tools, electric mower and other garden materials etc. We have no garage for storage.

3.3 In addition to the above we want to create a bin store against the existing brick boundary wall to hide the bins which currently stand near our front door in the drive. This would be more convenient to the kitchen/ utility room and the back door into that part of the garden and enhance the conservation area.

3.4 We aim to plant many more pollinator friendly flowers and shrubs/trees around the garden which is south facing and walled - so an ideal mini habitat for numerous species. We will have a compost heap or bins in the garden and thus recycle all our food waste on site. So we practice eco-friendly gardening and like growing our own food as much as we can.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH10 Conservation Areas

NPPF 2021

DESGUI West Oxfordshire Design Guide

EH9 Historic environment

EH3 Biodiversity and Geodiversity

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

5 PLANNING ASSESSMENT

5 Background Information

- 5.1 The application seeks planning permission for the demolition of existing garden shed, erection of a greenhouse potting shed and a separate lean-to bin store at The Old Byre, 14 Newland Close, Eynsham.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is a Council Member.
- 5.3 The application site relates to a detached property situated within the Eynsham Conservation Area.
- 5.4 Therefore, the main considerations of this application are the impacts of the proposed development on the Conservation Area, visual amenity and residential amenity.
- 5.5 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
 - Scale, Design and Layout
 - Visual Amenity of the Streetscene
 - Impact on the Conservation Area
 - Residential Amenity.

Principle

- 5.6 This application seeks permission for the demolition of existing garden shed, erection of a greenhouse potting shed and a separate lean-to bin store within the residential curtilage of an existing dwelling. The principle of development is therefore acceptable subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

Siting, Design and Form

- 5.7 The proposed greenhouse potting shed is to be situated in the garden of the host dwellings residential curtilage. The proposed greenhouse potting shed is 2.66m wide and 4.47m in length, measuring 2.36m to the ridgeline. The proposed greenhouse potting shed is to be constructed out of glazing and timber framed walling, with glazed windows underneath a part glazed part timber boarding and dark vinyl roof. Your officers consider the above to be acceptable in terms of its siting and its design.
- 5.8 The lean-to bin store projects 1m from the boundary wall, is 2.5m in length and 1.9m in height. It is to be constructed out of brick to match the existing, underneath a dark sheet roof. Your officers consider the above to be acceptable in terms of its siting and its design.

Visual Amenity of the Streetscene

- 5.9 Given its scale and siting, the proposed garden room would not be visible on the street scene. Therefore your officers consider it would not give rise to any adverse impacts in regards to the visual amenity of the streetscene.

Impact on the Conservation Area

- 5.10 Within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard, your officers consider that the proposed change of use and associated alterations would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

- 5.11 The Conservation and Design Officer has no objections to the proposed.

Residential Amenities

- 5.12 The proposed garden potting shed and the lean-to bin store are to be situated within an area of the host dwellings residential curtilage which is well screened from neighbouring properties. As such, your officers are of the opinion that given the scale and siting of the greenhouse potting shed and lean-to bin store, the proposed would not give rise to neighbouring residential amenity issues such as overlooking, loss of privacy, loss of light or the feeling of overbearing. Also, no objections have been received from neighbours and or the Parish Council at the time of writing.

Conclusion

- 5.13 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of Policies OS2, OS4 and EH10 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

6 CONDITIONS

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

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

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

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

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

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

Contact Officer: Darcey Whitlock
Telephone Number: 01993 861697
Date: 7th June 2023