

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 17th July 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

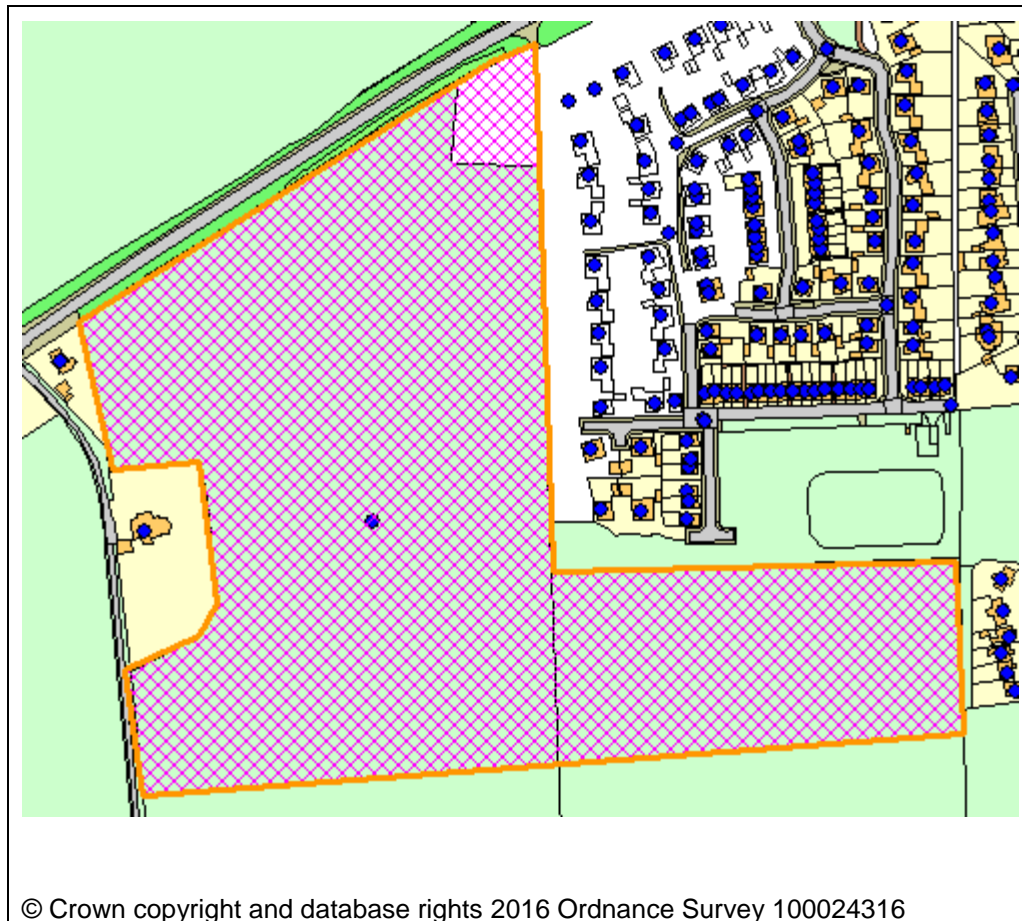
Please note that:

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

Item	Application Number	Address	Officer
	22/03240/OUT	Land South Of Burford Road	David Ditchett
	23/00837/FUL	Crosswind 128 Brize Norton Road	Elloise Street
	23/00917/FUL	23 Ampney Orchard Bampton	Elloise Street

Application Number	22/03240/OUT
Site Address	Land South Of Burford Road Minster Lovell Oxfordshire
Date	5th July 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Minster Lovell Parish Council
Grid Reference	430649 E 210544 N
Committee Date	17th July 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

Comments:

Habitats of ecological importance

Pumping station meadow LWS is located 0.4 km to the north of the site. This local wildlife site is designated for its limestone grassland and previously noted as having the largest population of green-winged orchids in Oxfordshire. The proposed development will result in a net increase of up to 134 dwellings which could result in additional recreational impacts to the designated features of the LWS. Therefore appropriate mitigation should be sought, the submitted consultancy report has recommended signposting along footpaths, informing new residents of the ecological importance of the LWS - this is considered acceptable.

Protected/priority species

Great crested newts- the site itself offers sub-optimal habitat for GCN however, boundary hedgerows do provide some refuge. In addition, one pond has been identified 300 m south of the site which isn't separated from the site by any significant barriers to dispersal. The report has recommended a precautionary working method statement to mitigate the risks to GCN- this is acceptable

Reptiles - habitats on site offer sub-optimal conditions however, there are no significant barriers to dispersal and therefore, commuting reptiles cannot be ruled out. The report has recommended careful site vegetation clearance, this can be detailed within a precautionary working method statement.

Badgers- an active single hole outlier sett in current use is located on the site boundary, the consultancy report states a licence from Natural England will be obtained to enable the sett to be closed. A precautionary working method statement will need to be submitted to the LPA prior to the commencement of works, detailing appropriate mitigation, such as storage of materials, waste and equipment, use of protective fencing and covering open pipework and trenches. These details will provide adequate

precautionary mitigation for priority mammal species, such as badger and brown hare.

Dormice- on-site hedgerows provide suitable habitat for dormice, small sections of existing hedgerow will need to be removed to facilitate new accesses. Therefore, a detailed mitigation strategy will need to be submitted, outlining appropriate measures to ensure the species concerned are maintained at a favourable conservation status within their natural range. The applicant has submitted a lighting strategy, demonstrating light spill will not be permitted towards the hedgerows- this is acceptable.

Ground nesting birds- the consultancy report states skylark were observed on-site but has not described the behaviours exhibited by the individuals. Despite this, appropriate mitigation should be secured outlining mitigation that will be implemented in the event ground-nesting birds are present.

Biodiversity Net Gain

An ecological design strategy is recommended to ensure all habitats and biodiversity enhancement features are designed and implemented to enhance the site for biodiversity.

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). A biodiversity management and monitoring plan is recommended to ensure on-site biodiversity net gain, as detailed in the submitted report is secured and maintained for the required 30-year period.

Lighting

The submitted lighting report has included an indicative lux level lighting plan recommendations however, additional details will be required at the reserved matters stage to confirm light spill will not be permitted towards retained boundary features, proposed ponds and biodiversity enhancement features.

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 sub-urbanisation 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 :-

1. Local Environment

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

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

2. OS2 - Locating Development in the right places

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

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

3. 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 desk based assessment will need to be submitted along with this application. The applicant has submitted a

heritage and archaeological assessment, but this has omitted a range of resources that should have been included.

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

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

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

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

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

archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

Conservation And Design
Officer

No Comment Received.

WODC Env Consultation Sites

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

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

- GRM, Land South of Burford Road, Minster Lovell, Oxfordshire. Phase I Desk Study Assessment for Catesby Strategic Land LTD. Project Ref: PI0086. August 2022.

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

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

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

19/12/2023

Air Quality:

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

In section 3.5.4 of the AQA it states that the traffic data used in the assessment was provided by the appointed transport consultant - presumably David Tucker Associates (DTA). Whilst the TA undertaken by DTA mentions cumulative effects, it does not state if any other developments were included in this assessment. Consequently it is unclear if the cumulative affects, of the proposed, committed and future developments, on traffic within the area was assessed.

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

WODC Env Health - Lowlands 19/12/2022

Noise:

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

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

WODC - Arts

No Comment Received.

District Ecologist

16/01/2023

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

23/01/2023

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.

16/06/2023

No objection subject to S106 contributions:

- a) Sport Hall provision of £65,588 toward the cost of a replacement or improvement to Sports Halls in the catchment area.
- b) Swimming pool provision of £72,519 towards the cost of a replacement or improvement to pools in the catchment area.
- c) Outdoor pitch provision £239,860 towards improvements to pitch provision in the catchment area.

Total request = £377,967 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.

Wildlife Trust

12.06.2023

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) are objecting in relation to the following issues:

1. Impact on Pumping Station Meadow Local Wildlife Site;
2. The importance of avoiding impact on UK priority species including dormouse and breeding Birds;
3. The management of hedgerows in order to achieve biodiversity net gain; and
4. The importance of a net gain in biodiversity being in perpetuity

BBOWT also made comments in relation to green roofs and lighting.

District Ecologist

Comments from the Biodiversity Officer in response to the objection from Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

Local plan policy EH3 states development should not be permitted that results in the loss, deterioration or harm to locally important wildlife sites, unless the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured. The proposed development will not directly impact the LWS however, the increase in residential units in close proximity to the LWS is likely to result in additional recreational pressures. To mitigate the identified impacts, the developer has proposed the integration of signposting along footpaths that lead to the LWS. This mitigation will need to be secured via a S106 and details must be submitted to the LPA prior to commencement of works. This will allow the LPA to ensure the content of the notice boards is sufficient in describing the importance of the LWS and good practice whilst using the LWS. All signposting must be installed prior to occupation of the development. In addition, the proposal has incorporated a circular footpath/cycle route around the proposed scheme, providing connectivity to the development to the east. This will provide residents with an alternative walking/cycle route, alleviating the potential pressures to the LWS, whilst demonstrating compliance with local plan policy EH4 by providing opportunities for walking and cycling. If the above mitigation measures and the proposed green infrastructure is secured, it is felt the applicant has adequately demonstrated the development is compliant with local plan policies EH3 and EH4. Biodiversity net gain is discussed below.

It was not clear from the submitted EclA report whether skylark had been observed using the proposed site or land adjacent to the site. The project ecologist has since confirmed that skylark were observed during survey work however, this species was recorded off-site. As a result, mitigation is not required. However, the recommended construction ecological management plan does require precautionary mitigation in the event nesting birds are discovered. This mitigation will need to be submitted to the LPA prior to the commencement of works to ensure the proposed precautionary mitigation is satisfactory. Similarly, the site was assessed for its suitability to support dormice. Although the hedgerows on-site provide suitability overall there is poor connectivity to suitable habitats, for example woodland that would support this species and therefore, it is felt this species is likely to be absent from the site and surveys are not required. A similar conclusion was reached by the ecologist reviewing the development to the east (17/01859/OUT). Nevertheless, the recommended CEMP also requires precautionary mitigation for this species. Therefore, it is felt that so long as the recommended CEMP condition is attached to any positive determination of the planning application, appropriate precautionary mitigation can be secured and implemented throughout the entirety of the construction phase, ensuring protected and notable species are safeguarded from the development.

The applicant has demonstrated a measurable biodiversity net gain on-site. A biodiversity monitoring and management plan has been recommended to secure the proposed net gains for a period of 30 years. Biodiversity net gain is not yet a nationally mandatory requirement however, it is a requirement under local plan policy EH3 and paragraphs 174, 179 and 180 of the revised NPPF. Secondary legislation has not yet been released however, the Environment Act makes it clear that BNG should be secured for at least a 30 year period via a planning obligation or a conservation covenant. Therefore, so long as the recommended BMMP condition is included in any positive determination of the application, it is felt the proposal is compliant with local plan policy EH3, paragraphs 174, 179 and 180 of the revised NPPF and will deliver on-site net gains.

The proposal will require the removal of part of hedgerow H3. To mitigate for this loss, the applicant has proposed new hedgerow planting and has demonstrated this will result in an overall net gain in hedgerow units. In addition, the proposed development has been designed in a way that will ensure all retained hedgerows can be managed for biodiversity i.e. no retained hedgerows will form boundaries to residential properties. As a result, the recommended BMMP condition will ensure all retained hedgerows can be managed

appropriately for biodiversity. In addition, the recommended ecological design strategy will ensure newly created hedgerows incorporate native species that provide fruiting and pollinating opportunities for native wildlife. Furthermore, the recommended lighting condition will ensure lighting is sensitively designed to minimise light spill towards retained hedgerows, ensuring these features can be maintained as nocturnal corridors. Therefore, it is felt the proposal is compliant with local plan policy EH3.

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 residents current needs and certainly not those for a new large development.

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

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

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

Minster Lovell is not setup to deal with any additional housing, it is struggling with the current Dovecote Park estate so further houses will put more strain on the village which it cannot take. The local schools and doctors surgeries do not have the capacity to cope with a development of the size proposed.

Transport/Parking

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

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

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

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

Question the safety of this scheme with regards to road safety. There is no safe way to cross between each half of the village. There have been very serious accidents involving children crossing the Burford road this year as a lack of crossing facilities from the bike path and foot path.

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

The junction with the Burford Road would be hazardous.

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

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

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

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

Wenrisc Drive has already become a rat run from the Bovis estate to the school and shops. The road needs to be 20 mph like the ones in Witney.

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

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

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

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

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

The suggested walking route from the proposed development to the primary school already gets very muddy and additional use would make things worse. Again this is not sustainable. Access to the countryside and PROWs from the site is via the Burford Road public footpath opposite which is in a poor state of repair. S106 funds will be required to bring this footpath back into a suitable condition and widened.

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

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

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

Precedent

It will set a precedent for back land development.

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

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

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

Character, Identity and Appearance including impact on the AONB

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

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

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

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

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

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

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

The release of this site for development would lead to pressure for further housing development in Minster Lovell which, in equity, would cumulatively undermine the approach of concentrating growth in the most sustainable locations and would further adversely affect the village character and lead to a scale of development that is inappropriate in this rural location. The development is described as "Phase I" and it is clear that further developments towards Worsham are planned. Granting permission for Phase I will establish a precedent for subsequent developments which will adversely change the character of this village of unique historical importance for ever and should be rigorously opposed.

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

The scale of the development is inappropriate.

The landscape setting of the village will be lost.

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

The location of the green space within the development is poorly thought through.

The negative externalities caused on the local environment and culture of the community far outweigh any benefits to the area resulting from this development and therefore strongly object.

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

Further substantial housing developments in and adjacent to Minster Lovell are unacceptable.

The older lower village is a Conservation Area and most of the village (upper and lower) is sited within or borders an area of outstanding natural beauty.

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

Neighbour Amenity

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

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

Biodiversity and Geodiversity

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

Construction noise will impact on biodiversity.

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

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

There is a rich and diverse variety of wildlife in habitation in and around the fields being offered up for development. We should be protecting wildlife, not forcing it out of their homes. We

have lost 70% of our wildlife in the last 50 years. We need to stop encroaching into open countryside.

Infrastructure

The local sewage system is already overwhelmed.

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

The school is oversubscribed.

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

Electricity infrastructure is unreliable.

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

Thames Water acknowledges that there are likely to be capacity problems for foul water disposal into the existing pipework located, to the east of the proposed site, in Upper Crescent.

Given the already poor state of the Windrush River due to excessive dumping of untreated sewerage by Thames Water, there is no justification for further building development until the sewerage dumping situation is comprehensively and permanently addressed.

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

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

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

There is a lack of public transport serving the village.

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

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

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

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 Minton 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 Minton 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 Minton 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, Minton 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, Minton 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.

Minton 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 un-permitted and illegal operations, increasing further the spilling of untreated sewage into the River Windrush and Shill Brook catchments.

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

3 APPLICANT'S CASE

- 3.1 The applicants Planning Statement concludes as follows:
- 3.2 It has been demonstrated that the proposed development will deliver all the required on-site infrastructure and an appropriate housing mix, including the required amounts of both affordable and accessible homes. The development would also provide significant public open space and play facilities, SuDS features, biodiversity enhancements, additional planting and pedestrian and cycle links into the village.
- 3.3 West Oxfordshire cannot demonstrate a 5 Year Housing Land Supply at this time, and therefore the tilted balance is engaged.
- 3.4 Clear benefits of the scheme include the provision of much needed housing within the District, including the provision of 40% affordable housing, in an area where affordability poses a serious challenge to those in housing need.
- 3.5 The beneficial impacts upon the local economy, both during the construction phase and from new residents once complete should also be given significant weight.
- 3.6 Other benefits include, but are not limited to, the provision of public open space, the delivery of a biodiversity net gain, and improvements and enhancements to the arboricultural value of the site. This submission also demonstrates that sustainability measures will be incorporated at detailed design stage, to ensure the development meets the needs of residents into the future.
- 3.7 It has been demonstrated that there would be no long-term, significant harm to the landscape characteristics of the site and surroundings, and the proposed landscaping on the site boundaries would result in an improvement to the transition between the settlement and surrounding countryside.
- 3.8 It has also been demonstrated that there would be no harm to nearby heritage assets, no unacceptable harm upon highway safety, and the amenity of existing and future residents of Mister Lovell would be preserved.

- 3.9 Financial contributions will be provided, where necessary, to support off-site infrastructure, in consultation with West Oxfordshire District Council and Oxfordshire County Council, and secured via a legal agreement.
- 3.10 This Statement and other documents accompanying the application demonstrate that the proposals not only comply with the Development Plan, but the benefits of the proposal significantly and demonstrably outweigh any limited harm arising from developing the site.
- 3.11 Therefore, this application is commended to West Oxfordshire District Council.

4 PLANNING POLICIES

H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
H5NEW Custom and self build housing
H6NEW Existing housing
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1 Cotswolds AONB
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH11 Listed Buildings
EH12 Traditional Buildings
EH13 Historic landscape character
EH14 Registered historic parks and gardens
EH15 Scheduled ancient monuments
EH16 Non designated heritage assets
WIT6NE Witney sub-area strategy
DESGUI West Oxfordshire Design Guide
NPPF 2021
WIT4NE Land west of Minster Lovell
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
The National Planning Policy framework (NPPF) is also a material planning consideration.

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 I.
- 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 previously heard by Members of the Lowlands Area Planning Sub-Committee on May 30th 2023. During the May 30th meeting, Members deferred the application in order to conduct a site visit. The Member site visit was held on the morning of June 19th. The application was then due to be heard by Members of the Lowlands Area Planning Sub-Committee on the afternoon of June 19th, however, a late objection from Buckinghamshire and Oxfordshire Wildlife Trust was received. In order for the Council's officers, particularly the Biodiversity Officer, to consider the objection from BBOWT, the application was moved to the July 17th Lowlands Area Planning Sub-Committee.
- 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 11d) 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 EHI 6 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), EHI5 (Scheduled monuments and other nationally important archaeological remains), EHI6 (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, some 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). Also, there are limited services and facilities within Minster Lovell such as a secondary school, supermarket, doctors or dentist.

- 5.47 Previous Committee Reports also explained that the nearest school (St Kenelm's C of E School) was a 2.2km round trip (26 minutes) from the centre of the site. However, a new lit path from the south-eastern corner of the Bovis development across the Ripley Avenue play area was under construction when Members conducted their site visit on June 19th. This path provides a reduced round trip distance of 1.7km (20 minutes) to the nearest school. Thus, this brings the distance in line with the 20 minute guidance. However, it should be noted that the Ripley Avenue path is a hoggin path, as such, it will be constructed from gravel. While this may compact in time, those pushing pushchairs or wheelchair users may avoid using path and may prefer a different route.
- 5.48 When taking into consideration that some users may choose not to use hoggin path, it is noted that alternate routes are available. It must also be acknowledged that while these alternate routes are in excess of the 20 minute guidance to the school and Spar, 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 (allocated WIT4 'Land West of Minster Lovell' within the Local Plan) 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 and 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'. Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.54 The Councils Biodiversity Officer fully assessed the scheme and confirmed that the impact to great crested newts, reptiles, badgers, dormice, and ground nesting birds can be controlled by condition. The Biodiversity Officer also explained that the scheme will result in biodiversity net gain at the site as the submitted Defra BNG 3.1 metric has demonstrated a measurable increase of 10.03% habitat units and 101.18% in hedgerow units. Officers have no reason to disagree with these findings.

5.55 The above stance was the Council's position in relation to biodiversity when this application was before Members at the May 30th Lowlands Area Planning Sub-Committee. During that meeting, the application was deferred for a site visit. The application was due to be heard again at the June 19th Lowlands Area Planning Sub-Committee. However, an objection from Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) was received on June 12th. Owing to the one week timeframe between the objection from BBOWT and the June 12th committee, this was insufficient time for the Council's officers, particularly the Biodiversity Officer, to consider the objection from BBOWT. As such, the application was deferred to the next Lowlands Area Planning Sub-Committee on July 17th.

5.56 For clarity, BBOWT are objecting in relation to:

- 1. Impact on Pumping Station Meadow Local Wildlife Site;*
- 2. The importance of avoiding impact on UK priority species including dormouse and breeding Birds;*
- 3. The management of hedgerows in order to achieve biodiversity net gain; and*
- 4. The importance of a net gain in biodiversity being in perpetuity.*

BBOWT also made comments in relation to green roofs and lighting.

The Councils Biodiversity Officer assessed the objection from BBOWT and has produced a response which is included in full within the 'consultations' section above. In short, the Biodiversity Officer has already addressed the points raised by BBOWT during their consultation reply dated 31/03/2023. Nonetheless, the below points deal with the objection from BBOWT:

1. The Pumping Station Meadow Local Wildlife Site (LWS) is on the northern side of the Burford Road, 400m to the north west. There is no direct access from the application site to the LWS. Access can be gained by crossing the Burford Road, however this route is unlit, traffic speeds are high, and the existing roadside path is narrow and overgrown. This is not an attractive route to the LWS. The proposed development includes a circular footpath/cycle route, providing connectivity to the development to the east. This will provide residents with an alternative walking/cycle route, alleviating the potential pressures to the LWS. While visitor numbers may increase because of the new dwellings, the access to the LWS, along with the green infrastructure proposed in this application means that increased visitor numbers are likely to be limited. Nonetheless, to mitigate the impacts, the developer has proposed signposting along footpaths that lead to the LWS. This mitigation will be secured via a legal agreement and details must be submitted to the LPA prior to commencement of works. This will allow the LPA to ensure the content of the notice boards is sufficient in describing the importance of the LWS and good practice whilst using the LWS. The legal agreement will secure that the signposting is delivered.
2. Skylark (ground nesting birds) were observed during survey work however, this species was recorded off-site. As a result, mitigation is not required. However, the construction ecological management plan (CEMP) does require precautionary mitigation in the event nesting birds are discovered. The site was assessed for its suitability to support dormice. Although the hedgerows on-site provide suitability, overall there is poor connectivity to suitable habitats, for example, woodland that would support this species. Therefore, this species is likely to be absent from the site and surveys are not required. Nevertheless, the recommended CEMP also requires precautionary mitigation for this species.
3. The proposal will require the removal of part of hedgerow H3. To mitigate for this loss, the applicant has proposed new hedgerow planting and has demonstrated this will result in an overall net gain in hedgerow units of 101.18%. The hedgerows can be managed for biodiversity i.e. no retained hedgerows will form boundaries to residential properties. As a result, the recommended Biodiversity Management and Monitoring Plan (BMMP) condition will ensure all retained hedgerows can be managed appropriately for biodiversity.
4. The applicant has demonstrated a measurable biodiversity net gain on-site. A BMMP has been recommended to secure the proposed net gains for a period of 30 years. Biodiversity net gain is not yet a nationally mandatory requirement however; it is a requirement under local plan policy EH3 and paragraphs 174, 179 and 180 of the revised NPPF. Secondary legislation has not yet been released however, the Environment Act makes it clear that BNG should be secured for at least a 30 years period via a planning obligation or a conservation covenant. BNG for at least 125 years advised by BBOWT is far in excess of what is required by policy, or the forthcoming Environment Act and as such is excessive.
 - The lighting condition will ensure lighting is sensitively designed to minimise light spill.
 - Green roofs are not considered as part of an outline application as this relates to details agreed during the reserved matters application.

5.57 Overall, the proposal would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. This is subject to further details that are 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 and the NPPF 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.

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.

5.70 Biodiversity net gain and signposting along footpaths that lead to the Pumping Station Meadow Local Wildlife Site (LWS) is required.

5.71 The NHS are requesting £115,776.

5.72 £377,967 off site contribution towards leisure and sports facilities in the catchment area is required:

- Sport Hall provision of £65,588 toward the cost of a replacement or improvement to Sports Halls in the catchment area.
- Swimming pool provision of £72,519 towards the cost of a replacement or improvement to pools in the catchment area.
- Outdoor pitch provision £239,860 towards improvements to pitch provision in the catchment area.

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.

- I I. 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 dwelling shall be occupied until confirmation has been provided that foul water capacity exists off site to serve the development.

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 dwelling shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional demand to serve the development have been completed.

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.

20. Prior to the commencement of the development hereby approved, full details of the signposting along footpaths that lead to the Pumping Station Meadow Local Wildlife Site (LWS) shall be

submitted to the LPA for approval. For clarity, a minimum of the following details shall be submitted:

- Scaled drawings showing the height(s), width(s) and depth(s) of the signposting;
- Material(s) sample(s);
- The wording/imagery/content of the signposting;
- Location of where the signposting shall be placed;
- A timing schedule for when the signposting shall be installed; and
- A 30 year maintenance schedule of the signposting.

The signposting shall be installed in accordance with the agreed details prior to the first occupation of the dwellings and shall be retained as such thereafter.

REASON: To mitigate the impacts of the increased population on the Pumping Station Meadow Local Wildlife Site.

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).

- 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.

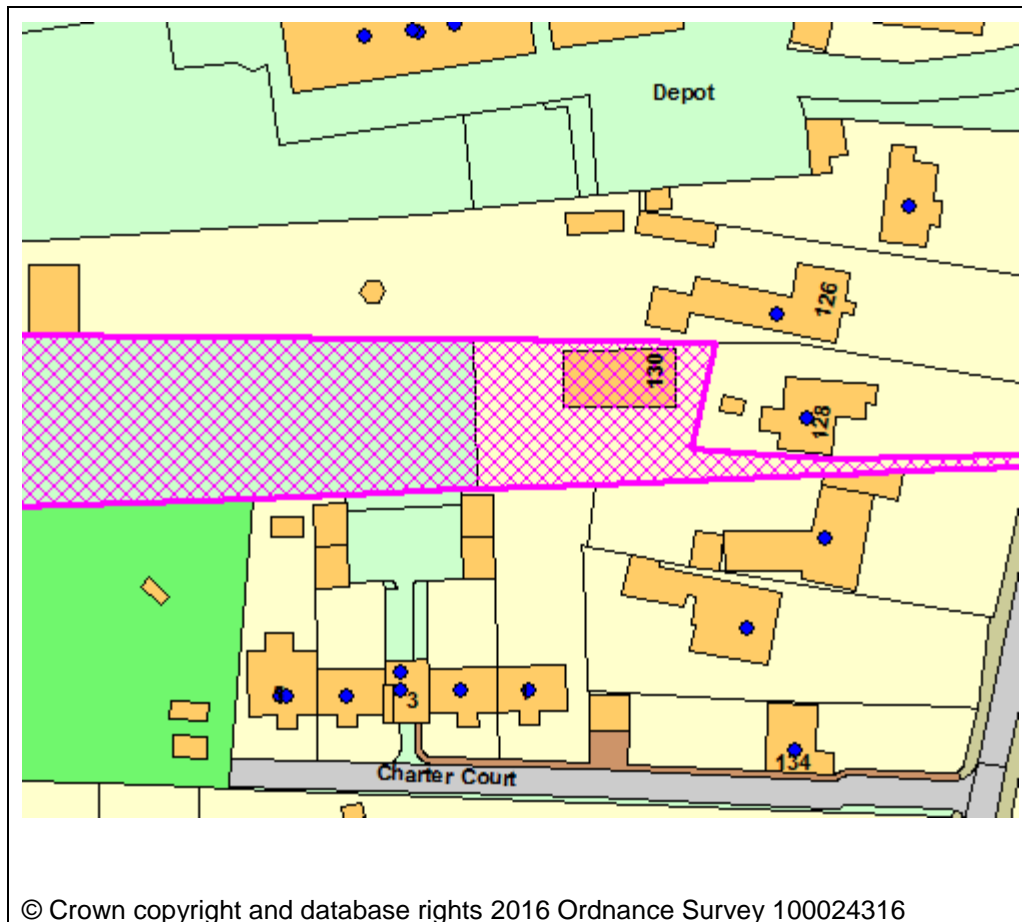
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 5th July 2023

Application Number	23/00837/FUL
Site Address	Crosswind 128 Brize Norton Road Minster Lovell Witney Oxfordshire OX29 0SQ
Date	5th July 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431132 E 209997 N
Committee Date	17th July 2023

Location Map



Application Details:

Conversion of residential storage/detached garage to dwelling (Class C3) with associated works.

Applicant Details:

Mr Richard White
Crosswind
128 Brize Norton Road
Minster Lovell
Oxfordshire
OX29 0SQ

I CONSULTATIONS

OCC Highways

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

Recommendation:

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

WODC Env Health - Lowlands

I have no objection in principle. I suggest the following conditions:

- I. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- II. Prior to the commencement of the development, a short construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
- III. 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.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Conservation And Design
Officer

No objection subject to the changes made as proposed.

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.

While I have no major concerns in relation to the development would it be possible for the applicant to confirm the following - will

the grass area to the west of the barn be used as a garden for the dwelling? and if so the use of the grassed area over time? Has it ever been used for agricultural purposes? Has the roof been inspected for the potential presence of asbestos?

Once these items have been clarified the following condition may be appropriate for any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

WODC Business Development The barn that is the subject of this application is a commercial building in a village. A sustainable economy needs commercial space that businesses can operate from in rural areas. I do not support this application which would result in the loss of this commercial space to residential.

District Ecologist The proposed development will involve the conversion of the existing residential storage/detached garage to a dwelling. No ecological information has been submitted with the application. The existing structure does not appear to support suitable roosting features for bats and habitats on-site appear to offer sub-optimal conditions for great crested newts, reptiles and badgers. However, a hedgehog record from 2013 was returned from the site and the existing structure may provide suitability for nesting birds. Therefore, works should be undertaken in accordance with West Oxfordshire's precautionary method of working document. The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 174, 179 and 180 of the revised National Planning Policy Framework and local plan policy EH3. Given a hedgehog record has been returned for the site, I would suggest permeability is maintained through the site by ensuring any boundary features incorporate suitable gaps to permit connectivity for small mammals and a suitable hibernaculum for

hedgehogs is installed within a suitable location. Furthermore, the inclusion of bird nesting features should be encouraged, the proposed site is adjacent to a hedgerow/tree corridor which will provide a suitable foraging resource for nesting birds therefore, the inclusion of bird boxes will aid in connecting the proposed site to the wider ecological network

Parish Council

Planning application 23/00837/FUL Conversion of residential storage/detached garage to dwelling (Class C3) with associated works. Crosswind, 128 Brize Norton Road, Minster Lovell, Witney, Oxfordshire, OX29 0SQ.

Many thanks for allowing Minster Lovell Parish Council an extension to the deadline for this application so that it could be considered at their meeting last night. Minster Lovell Parish Council Strongly Objects to the planning application for the following reasons: 1. With reference to West Oxfordshire Local Plan 2031 (WOLP) policy EH16 designates Minster Lovell as a Non-designated Heritage Asset because the Village of Minster Lovell is a Chartist Settlement, where the use of large plots as small holdings has created and preserved a unique linear settlement pattern. This is an important historical and physical feature of the Chartist Settlement that planning policy EH16 recognises and seeks to preserve. The Parish Council supports previous decisions by West Oxfordshire District Council and Planning Inspectors that have consistently refused and not up-held at appeal back land development so that the 'history, rarity and original linear form' remains intact and the unique character of the settlement as a non-designated heritage asset is preserved and maintained. 2. The proposed development does not conform to the historic linear pattern and constitutes back land development. This is both in contravention to WODC Local Plan 2031 policy EH16 (as above) and to the Minster Lovell Parish Council Planning Policy Statement: 'Developments behind existing properties - 'back land development' - will always be opposed as this results in fundamental changes to the linear nature of the Village and impacts directly upon the historically significant layout of Minster Lovell.' This proposal will erode the historic plot design and character of the Village and a Non-designated Heritage Asset would be damaged. It will set an unwanted precedent for further back land development to the rear of properties along the Brize Norton Road which should be avoided. The size and scale of the proposal is out of character with the existing character and appearance of the settlement and it will constitute over-development of the site. I would be grateful if you would take these objections and concerns into account when determining this planning application.

2 REPRESENTATIONS

2.1 2 third party representations have been received with their comments in full on the Council website.

2.2 Their comments are summarised as below:

- Concerns with development being back land development and will set precedence for other properties to do the same.
- Concern with the new windows proposed on the Northern elevation.

3 APPLICANT'S CASE

3.1 A full copy of the applicants' design and access statement is viewable on the Council website.

3.2 The statement is summarised as per below:

This statement concludes that the proposed access complies with the development plan documents and national policy in the following respects:

- By reason of its sympathetic design solution and soft materials palette, the proposed conversion is a high-quality intervention appropriate for the rural location that respects the intrinsic character of the area and does not unacceptably affect the environment in accordance with Local Plan policies OS2, OS4 and H6, Neighbourhood Plan policy ENP2 and NPPF chapter 12.
- The conversion has a negligible landscape impact, respects the intrinsic character of the area, and conserves the local landscape in accordance with Local Plan policies OS2, OS4 and EH2 and NPPF chapter 15.
- It maintains acceptable levels of residential amenity in accordance with Local Plan policy OS2 and NPPF chapter 12.
- It achieves safe and suitable access and has a negligible impact upon the local highway network in accordance with Local Plan policy T2, Neighbourhood Plan policy ENP7 and NPPF chapter 9.
- It complies with the relevant flood risk tests in accordance with Local Plan policy EH7 and NPPF chapter 14.
- It is not considered to impact bats or any other protected species or habitat and has potential to secure a net gain of biodiversity in accordance with Local Plan policy EH3 and NPPF chapter 15.

4 PLANNING POLICIES

EH9 Historic environment

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH11 Listed Buildings

EH16 Non designated heritage assets

NPPF 2021

ESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background information

- 5.1 The application seeks planning permission for the conversion of residential storage/detached garage to dwelling (Class C3) with associated works at Crosswind, 128 Brize Norton Road, Minster Lovell.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the Minster Lovell Parish Council objected to the proposed scheme and therefore the views are contrary to the Planning Officer's views.
- 5.3 The application site relates to a detached bungalow with an agricultural store within the main residential area of Minster Lovell.
- 5.4 The site falls wholly within the Minster Lovell Non-designated heritage asset and therefore the main considerations of this application are the impact of the proposed development on the visual amenity, residential amenity, non-designated heritage asset, highway safety and biodiversity.
- 5.5 Relevant planning history:
- W75/0718 - Erection of fence – Refused
 - W77/0507 - Conversion of attic space to 2 bedrooms & bathroom. – Approved
 - W79/0558 - Singles-storey extension – Approved
 - W84/1248 - Demolish existing outbuildings, erection of building for agricultural store and garage – Approved
 - 20/00637/FUL - Change of use from domestic to storage in connection with replacement window business. – Approved
 - 22/01371/PREAPP - Conversion of existing garage serving 128 to a separate, detached dwelling. - Closed
- 5.6 Other Relevant Neighbouring Planning History
- 101 Brize Norton Road - 18/01901/FUL - Conversion of stable to dwelling with associated parking - Refused by delegated powers for the below refusal reasons:
 - The site is located within the Chartist settlement of Minster Lovell. The village has a distinctive character and layout, and by virtue of its history can be considered an undesignated heritage asset. The significance of the asset derives from its establishment under Chartist principles and the creation of dwellings with associated land to sustain a livelihood for the occupiers of those dwellings. The proposal would be sited in an historic Chartist plot and the scale of development would unacceptably erode the plot pattern and diminish the ability to recognise and appreciate the significance of the settlement. This would create an undesirable precedent for the development of other similar plots in the village. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2 and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, OS4, EH7, and EH14, and the NPPF, in particular paragraph 197.
 - The proposed dwelling by reason of its back land position fails to relate to the existing linear pattern of residential development and will result in an incongruous addition, as a residential dwelling, to the area. The building is not considered to be of particular merit or worthy of retention in that it does not positively contribute to the character of the area. It could also

set a precedent for other similar developments whereby the existing development line would encroach into the surrounding agricultural area resulting in a domesticated urban setting. As such, the proposal is considered contrary to policies BE2 and H2 and H6 of the adopted West Oxfordshire Local Plan and policies OS2, OS4 and E3 of the emerging West Oxfordshire Local Plan.

- The change of use of the building to form a separate residential unit would result in an intensification of use of the building and resulting car movements and noise would be such that it would result in unacceptable living conditions for the existing occupants of no.101 and those of the adjacent property, no.99 Brize Norton Road, contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and OS2, H2 and OS4 of the emerging West Oxfordshire Local Plan 2031.

This application was subsequently appealed under reference APP/D3125/W/18/3210737 and was allowed by the Planning Inspector on 29th January 2019.

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

- Principle
- Siting, Design and Form
- Non-designated Heritage Asset
- Residential Amenity
- Highways
- Biodiversity
- Other Matters
- Planning Balance & Conclusion

Principle of Development

5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to 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.

5.9 As per Policy OS2 (Locating Development in the Right Places) it makes reference to the settlement hierarchy which splits the district in different classifications. Officers have considered that the proposed site is within Minster Lovell and is wholly within the village within the settlement hierarchy. Therefore it is logical to firstly consider the proposed development against policies OS2 and H2.

5.10 Policy OS2 states that "A significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan".

5.11 Therefore it is logical to consider Policy H2 of the adopted Local Plan which states "New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.
- 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.

5.12 Officers consider that the proposed development is located on previously developed land as the development is for the conversion of an existing building. Officers acknowledge that the National Planning Policy Framework states as a definition: Previously developed land: land which is or was occupied by a permanent structure, including the curtilage of the developed land. Officers note that the description of development for the original building states "Demolish existing outbuildings, erection of building for agricultural store and garage". However the original conditions on the application state that the building is to be used solely for domestic and agricultural storage in connection with 128 Brize Norton Road. Officers are satisfied that the development is to take place on previously developed land and therefore the below criteria of Policy H2 will be applicable:

"On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;"

5.13 As the building is of a mixed agricultural/residential use it is also important to consider Policy E3 of the WOLP which is for the re-use of non-residential buildings which states: "The re-use of non-traditional buildings, including modern farm buildings, for employment, tourism and community uses will be supported within or adjoining Service Centres or Villages, or where it forms part of an agricultural holding and the proposal is part of a farm diversification scheme under Policy E2 or where re-use would address a specific local need which cannot be met in an alternative way. This is provided that the following criteria are met:

- the general character and form of the building(s) are not harmful to the surroundings; and
- the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s) to the host building."

5.14 It has been acknowledged that as there is a mixed agricultural/residential use that there can only be partial support given to the policy as the policy is for non-residential buildings. In addition, it is important to note that the policy can be used as some general guidance for how we should approach the conversion of non-residential buildings. Officers consider that whilst the Policy focusses on employment, tourism and community uses it doesn't explicitly state that residential use is unacceptable. This is also supported in the appeal under reference APP/D3125/W/18/3210737 which states: "The Council also considers the proposal would frustrate the intentions of LP Policies E2 and E3 in relation to support for the local economy and

the re-use of non-residential buildings for economic purposes. These policies, however, promote economic development rather than specifically restricting residential conversions and I see no conflict with their provisions. I find that the proposal accords with the locational elements of LP Policy H2." It also states "The Council also cites LP Policy E3 here, but as this concerns the conversion of non-residential buildings to employment, tourism and community uses it does not, so far as I can see, set any clear guidelines for considering character and appearance issues for residential conversions. Even if this was the case, the relevant criteria would be met."

- 5.15 Officers consider that the proposed development does accord partially with Policy E3 in relation to the general character and form of the building and the existing building will not result in excessive alterations or extensions.
- 5.16 Officers also note that there is an employment use approved on the site but based on the Design and Access statement and the information we have before us that this permission has not been implemented and therefore the principle of this development is not required to be considered as part of this application.
- 5.17 Notwithstanding Local Plan Policies, 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).
- 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 11d) 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 and Form

- 5.20 Proposed is the conversion of residential storage/detached garage to dwelling (Class C3) with associated works at Crosswind, 128 Brize Norton Road, Minster Lovell.
- 5.21 The conversion of the residential storage/detached garage is to be solely to the 1984 building and there are to be no external extensions to the existing building. The existing building currently consists of a WC & kitchenette and a large void area. The existing materials on the building consist of timber barn doors, pebble dash render, timber cladding and concrete tile roof. The proposed conversion will utilise the existing building structure which will keep the footprint and the form relatively the same. The eaves of the building are to be extended by 300mm to allow boxing of the existing external frame work of the building. The conversion is to provide a 4 bedroom dwellinghouse with a living/kitchen area, two bathrooms, a utility and a study. Officers are satisfied that the scale of the building at 18.75m in length and 9.20m in width would meet the National Minimum Space Standards of a 4 bedroom 1 storey dwellinghouse. The building gives a floor space of approximately 172.5sqm with the minimum internal floor area for a 4 bedroom 1 storey dwelling to serve 5 people being 90sqm. There are to be new

windows and doors inserted on all elevations. There were previous concerns with the scheme as all bedrooms were located on the northern elevation which could have had a poor outlook to the occupiers of these primary living spaces. However through negotiation, Officers have secured the relocation of 3 bedrooms with the 4th having a satisfactory amount of light provision. There are to be 6 roof lights on the northern elevation spread equidistant from each other. There are also to be new windows on all elevations along with a new entrance door on the southern elevation and pedestrian door to the northern elevation. The design of the conversion is to mimic a barn conversion and the proposed materials are to provide a more cohesive design for the building which is currently of an irregular nature. The existing steel frame is to be boxed and to project 55mm beyond the timber vertical cladding which is to be on all elevations. The corrugated fibre cement roofing sheets are to be replaced with blue slate to match the neighbouring dwelling. Officers have considered it appropriate to secure the materials by condition including samples to be provided and approved by the Local Planning Authority to secure the improved design of the building.

5.22 Policy OS2 makes emphasis of the general principles in which all development should accord with including "Form a logical complement to the existing scale and pattern of development and/or the character of the area" as well as "Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;". Policy OS4 also states "New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings". Policy OS4 also makes reference to the West Oxfordshire Design Guide in which Design Guide 15: Conversion of Agricultural Buildings states: "While residential conversion may be acceptable in some instances, it is important to acknowledge that it will usually entail certain compromises in terms of the treatment of the building and its site (for example, in terms of limitations to new openings or the extent of garden space) - compromises that will need to be recognised and accepted by potential owners of the property;" Along with the Local Plan Policies, the National Planning Policy Framework 2021 (NPPF) also makes reference to design by stating in Section 12 Paragraph 130 (b) "Planning policies and decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;"

5.23 Officers consider that the conversion of the existing residential storage/detached garage into residential dwelling house will have a positive impact on the character and appearance of the area. As detailed the current materials used on the existing building are inconsistent and the newly proposed materials are of a higher quality and will ensure that the building will remain of a quality design. The building as detailed is to remain the same scale and is not subject to any extensions and will therefore remain commensurate with the rest of the village and the character of the area. Officers also consider that whilst the building cannot be seen from the street scene, that it would now have a positive influence due to the revised design. Pattern of development also falls within Policy OS2 of the WOLP 2031, Officers consider that the building could be considered as now falling within the pattern of development of Minster Lovell. Whilst generally back land development of a residential nature is unsupportable in this location, Officers have considered due to the building already being in place and being converted along with still a significant amount of land remaining as undeveloped agricultural land. This would result in no harm had to the character and appearance and setting of the area. The proposal is therefore considered to comply with policies OS2 and OS4 of the adopted West Oxfordshire Local Plan.

Non-designated Heritage Asset

- 5.24 As the proposal site is within 100m of a Grade II Characterist Bungalow of 105 Brize Norton Road Officers are required to take account of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Policy EH11 also states proposals for additions or alterations to, or change of use of a Listed Building will be permitted where it can be shown to: conserve or enhance the special architectural or historic interest of the buildings fabric, detailed features, appearance or character and setting. It is also important for Officers to take regard to the section 7 of the West Oxfordshire Design Guide which also emphasises that the character, fabric and history of the building should be understood as fully as possible.
- 5.25 With regard to the impact on the listed building, the conversion of residential storage/detached garage to dwelling (Class C3) with associated works is not considered to obscure the historical architecture of the existing listed building. Officers have considered that there are many dwellinghouses and buildings between the Grade II listed building and the proposed converted dwellinghouse that the works will not have any impact on the Grade II listed building. The proposed development 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. The proposed development would conform to policies EH9 and EH11 of the Local Plan.
- 5.26 The development site is also located within the Non-designated Heritage Asset of Minster Lovell or as more commonly known as a locally listed building. 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.
- 5.27 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".
- 5.28 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.

- 5.29 Officers consider as detailed in the Siting, Design and Form section, that whilst the proposed conversion into a dwellinghouse is sited to the rear of the existing 128 Brize Norton Road, the building is already in place and has been since the late 1980s. In addition, in relation to the settlement pattern of the village, with many undeveloped plots, Officers consider that the converted dwellinghouse and residential curtilage will not extend further than the original dwellinghouse and curtilage and that a large majority of the land will remain as undeveloped agricultural land. This can add control to the LPA to ensure that the Charterist plot is not developed further to the rear by restricting residential spread and can be secured by condition to remain this way. Whilst the plot is being subdivided to two dwellinghouses, there are several examples in the very close vicinity such as 101 Brize Norton Road and 101A Brize Norton Road. In addition, Officers have also recommended a condition to restrict any further development to the proposed converted dwellinghouse without firstly requiring planning permission to avoid any further development and domestic paraphernalia in inappropriate locations and also to protect and conserve the non-designated heritage asset of Minster Lovell.
- 5.30 Officers also consider that the proposed conversion is to remain a single storey dwellinghouse which is commensurate with the pattern of dwellinghouses in Minster Lovell. Most dwellinghouses are of a one/one and half storey scale which also contribute to the significance of the heritage asset. The proposed materials for the conversion will allow the building to have the appearance of a barn conversion also keeping some of the agriculture character and having more of an agricultural appearance.
- 5.31 Officers consider that the proposed conversion would not give rise to any harm to the significance of the non-designated heritage asset. Officers consider that the proposed conversion would not result in a loss in the typical appearance of the plotland or smallholding as a large majority of the land as detailed is to remain as undeveloped agricultural land. The appearance of a smallholding with an undeveloped plot of land will still remain. Officers consider that the subdivision would not result in harm to the pattern of development in Minster Lovell. The proposal is therefore considered to comply with Policy EH16 and the NPPF.

Residential amenity

- 5.32 Given the nature of the conversion of residential storage/detached garage to dwelling (Class C3) with associated works, officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. Officers have carefully considered both 128 Brize Norton Road along with other residential properties in the area. Officers have considered there is sufficient back to back separation distance between 128 Brize Norton Road and the new dwellinghouse at approximately 21m with a 1.8m close boarded fence separating the two in which there would be no concerns with overlooking or loss of privacy. Whilst there is a close distance between the side elevation of 126 Brize Norton Road and the converted building, there is a condition proposed to secure obscurely glazed windows on the northern elevation and resultantly there will be no concerns with overlooking.
- 5.33 Regard must also be had for 128 Brize Norton Road in relation to the comings and goings of vehicular movement and in general noise and vibration for the existing dwelling. In which Officers consider that the level of comings and goings for a singular dwellinghouse would not result in detrimental harm to the existing property of 128 Brize Norton Road along with the

fact that there are no windows on the side elevation. Officers have also had regard and planning consideration that there was a previous permission which was not implemented for a commercial industrial use in which this was deemed acceptable in terms of neighbouring amenity. Officers consider that a residential use would be a preferred use in this location and with no windows on the closest southern elevation to 128 and the proposed 1.8m close boarded fence. Officers consider that in terms of noise and vibrations that the proposed use will not result in harm which would detrimentally harm the amenity of the existing users.

5.34 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

5.35 OCC Highways have been consulted on the application due to the change in parking provision for 128 Brize Norton Road and the converted dwellinghouse will also require parking provision. The existing dwellinghouse already provides an access and there is parking provision in place for the current building. The plans have also detailed that there will be parking provision for 3 cars for the proposed conversion. Therefore Officers deemed it appropriate to gain their comments as it is likely that there would be an increased volume of cars. OCC Highways have considered the application in which they did not have any objection to the scheme and granting of planning permission. Thus, the proposed dwelling has a suitable access for all users and sufficient parking is proposed. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; as well as Section 9 of the NPPF (in particular paragraphs 110, 111 and 112)

Biodiversity

5.36 Due to the nature of the building and the location of the site, it was deemed appropriate to consult with the WODC Biodiversity Officer on the scheme. Whilst there were no formal surveys submitted, it was considered due to the age of the building that the existing structure does not appear to support suitable roosting features and habitats on site appear to offer sub optimal conditions. As bat and bird boxes are proposed to be located on the building, a condition requesting their details has been requested and deemed appropriate for this permission. Officers are therefore satisfied that Biodiversity Net Gain can be achieved through the conditions of bat and bird boxes. The proposal therefore accords with Local Plan Policies EH3, as well as the NPPF (in particular paragraphs 174, 179 and 180)

Other Matters

5.37 Considering the siting of the existing building and the proposed works, the Environmental Regulatory Services team were consulted on the application. There were queries on the previous use of the land, due to the nature of the previous history of being a small holding at some point in the past and having some potential minor agricultural use it is therefore appropriate to condition in the event of any contamination found to be reported to the LPA. It is also noted that there is the potential for the existing roof to contain asbestos however due to the modest changes to the existing building and a demolition management plan is not required. In addition, the asbestos removal would fall under other legislation and must be completed by a specialist contractor.

5.38 There was also a request for conditions which relate to the acoustic design, a short construction management plan and restriction for hours of work. Officers consider all three conditions to meet the 6 tests as stated within the NPPF and will be applied to this permission.

5.39 Officers note that there have been 2 comments for the scheme, 1 neutral comment and 1 objection comment as summarised as below:

- Concerns with development being back land development and will set precedence for other properties to do the same.
- Concern with the new windows proposed on the Northern elevation.

Officers also note that Minster Lovell Parish Council have objected to the scheme for the following reasons:

- The proposed development does not conform to the historic linear pattern and constitutes back land development
- Wishing to preserve the non-designated heritage asset of Minster Lovell and the original linear form of the village
- Will constitute over development of the site
- Will erode the historic plot design and character of the village and the non-designated heritage asset will be damaged.

5.40 Officers have carefully considered the Parish Council and the Neighbouring objections and note that all developments are considered on a case by case basis and that precedents cannot be set by one development. Officers consider that the impacts of the development has been carefully assessed in regard to the non-designated heritage asset and neighbouring amenity. Officers have concluded that the proposed development would not have any harmful impacts on the non-designated heritage asset and also neighbouring amenity.

Planning Balance and Conclusion

5.41 Officers consider that there would be no harm from the proposed development. There would be no harm to the non-designated heritage asset of Minster Lovell. As considered in the assessment above, there would be no harm to the neighbouring and visual amenity along with no harm had to highway safety. Overall, the proposed design of the building is considered to be of a higher quality compared to the existing building. There is also some benefit due to the addition of 1 dwellinghouse to the West Oxfordshire Housing Stock and also during the construction phase. As directed by the NPPF, officers are required to consider paragraph 11(d) 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.

5.42 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, H2, T1, T2, T4, EH3, EH9, EH7, EH11, EH16 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

6 CONDITIONS

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

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

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

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

3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

4. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.

REASON: To protect the amenity of neighbouring properties.

5. Prior to the commencement of the development, a short construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The development shall be completed be in accordance with the agreed details.

REASON: To protect the amenity of neighbouring properties.

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

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

7. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

8. Prior to the commencement of works, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or south-east facing elevations) and nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) externally mounted on the new dwelling or within a suitable tree, as well as hedgehog gaps/holes within new fences/walls, shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the dwelling, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional opportunities for roosting bats, nesting birds and hedgehogs as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the revised National Planning Policy Framework, Policy EH3 of the local plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. The development shall be completed in accordance with the recommendations in West Oxfordshire District Council's precautionary method of working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and thereafter permanently maintained.

REASON: To ensure terrestrial mammals and nesting birds are safeguarded in accordance with the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

REASON: Control is needed to protect the amenity of neighbouring properties along with protecting the non-designated heritage asset of Minster Lovell.

11. The area hatched in green within the red lined area on Plan numbered I28CW-299 P02 will remain as residential curtilage for the newly converted dwellinghouse. The area shown in white within the red-lined area will remain as undeveloped agricultural land and no development should take place without prior approval and permission of the Local Planning Authority.

REASON: To protect the non-designated heritage asset of Minster Lovell and accord with the Local Plan Policy EH16.

12. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

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

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

14. Before first occupation of the converted building hereby permitted the window(s) as shown on the Northern elevation on plan 128CW-602 P05 shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

INFORMATIVES :-

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

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

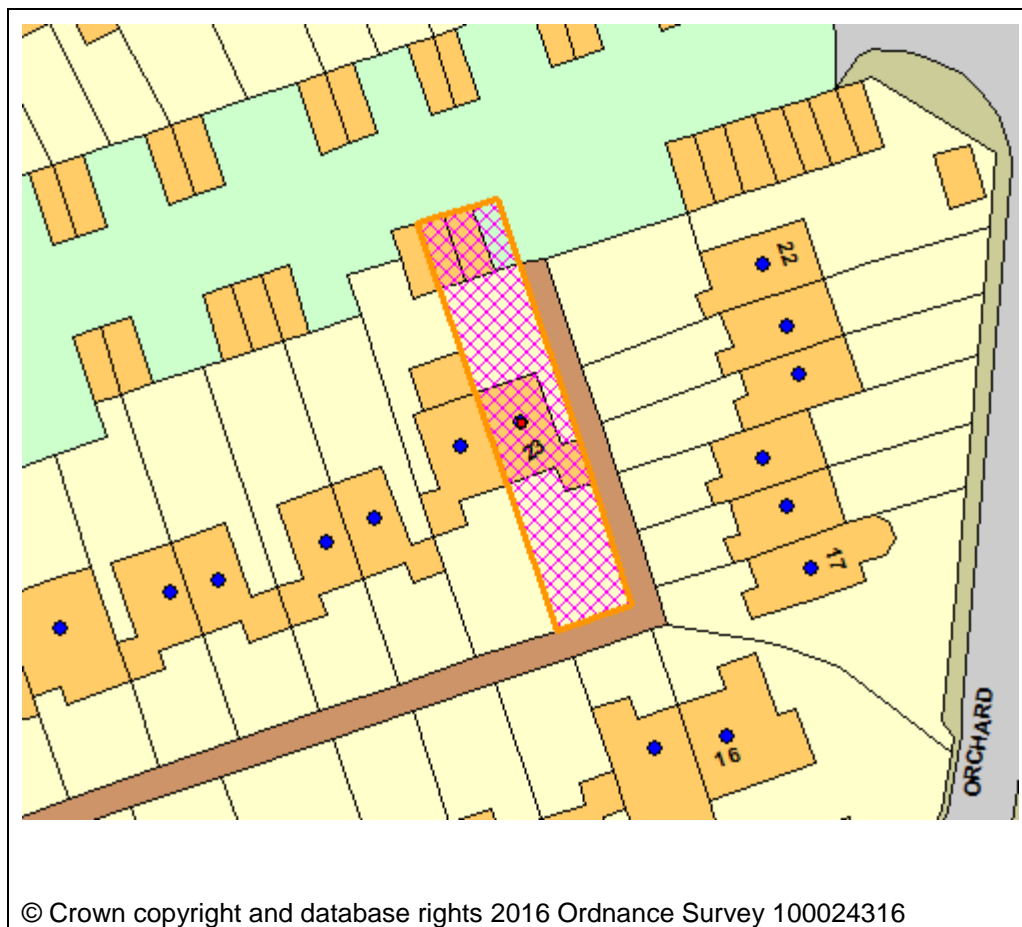
Contact Officer: Eloise Street

Telephone Number:

Date: 5th July 2023

Application Number	23/00917/FUL
Site Address	23 Ampney Orchard Bampton Oxfordshire OX18 2AD
Date	5th July 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431844 E 203311 N
Committee Date	17th July 2023

Location Map



Application Details:

Alterations and conversion of part of existing garaging to create garden office.

Applicant Details:

Mr Jordan Day
23 Ampney Orchard
Bampton
Oxfordshire
OX18 2AD

I CONSULTATIONS

Parish Council

OBJECTION

Objecting on grounds that we are concerned about the parking situation.

OCC Highways

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

Recommendation:

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

2 REPRESENTATIONS

2.1 No third party consultees received to date.

3 APPLICANT'S CASE

3.1 The applicants design and access statement can be read in full on the Council's website.

3.2 The proposal is to convert one side of my double garages into a garden office to allow for home working. Blocking up one existing garage door at the front matching the existing stone of the current garages. In the rear to increase the existing door and fit a new patio door into the proposed office and creating a new opening for a new door for the single garage. With the proposal of turning one side of my garage into an office. We will still be left with 2 external parking spaces & 1 Internal parking space.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for alterations and conversion of part of existing garaging to create garden office at 23 Ampney Orchard, Bampton.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as Bampton Parish Council have objected to the proposed scheme and their views are contrary to the Officers views.
- 5.3 The application site relates to a set of 3 detached garages within the residential area of Bampton. The three garages are at outside of the residential garden and curtilage of 23 Ampney Orchard.
- 5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity, residential amenity, parking provision and highway safety
- 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 of Development
 - Siting, Design and Visual Impact
 - Impact on Neighbouring amenity
 - Highways
 - Other Matters

Principle of Development

- 5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).
- 5.7 The proposed alterations and conversion of part of existing garaging to create garden office are to be associated with the residential property of 23 Ampney Orchard, Bampton. Therefore, the principle of development is considered acceptable following further assessment in regards to the impact on the design and siting, parking provision, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Visual Impact

- 5.8 Proposed are alterations and conversion of part of existing garaging to create garden office. The existing garages which are within the ownership of 23 Ampney Orchard are to not be extended externally in anyway. The proposed works are to remove the existing garage door of the most easterly garage and to block up the door with matching existing Bradstone tooled walling in buff. To the rear elevation of the newly proposed garden office, a new set of patio doors are to be inserted which are to open into the residential garden. In addition a new pedestrian access door will be inserted to the remaining garage. Internally, the newly proposed home office will block up the existing opening between the two garage spaces. The proposed materials as discussed are going to match the existing building.
- 5.9 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.
- 5.10 The alterations and conversion of part of existing garaging to create garden office would be visible on the street scene through the blocking up of the garage door, however Officers have considered that the blocking up would not result in a detrimental negative impact on the street scene as no other extensions or form of the building is proposed change. In addition, officers have considered that even with the blocking up of the garage door, the set of buildings will remain visually as a set of garages. Resultantly it has been considered that it would not give rise to any adverse impacts in regards to visual amenity.

Impact on Neighbouring amenity

- 5.11 Given the nature of the alterations and conversion of part of existing garaging to create garden office officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. The newly added patio doors are going to be facing into the existing residential garden and not result in any overlooking or loss of privacy concerns. In addition, as there are no extension, officers have considered that the building would not be constituted as being overbearing, overshadowing or result in any loss of light.
- 5.12 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

- 5.13 Officers are required to consider the impact of the proposed development on both the parking provision of the site along with highway safety. It is important to note that in 4.11 of the Oxfordshire County Council parking standards that a garage space should be 6m in length and 3m in width to classify as a standard parking space. In this instance the measured garage is 2.5m in width by 5.9m in length and therefore cannot be considered as a parking space for the dwellinghouse. In addition, the dwellinghouse has a parking space that remains within the curtilage of the dwellinghouse and within the red line area. The Oxfordshire County Council parking standards states in table 4(b) that a 3 bedroom dwelling should have up to 2 spaces.

Officers have considered that there is still 1 informal parking space in the existing garage remaining along with a formalised 1 parking space within the red line area. Should as a result of the development be one additional car on the highway, Officers have considered that this is a sustainable location and examples of cars parked in front of the existing garaging in this location would not result in detrimental highway harm. OCC Highways have also been consulted on the application due to the conversion of the garage into a home office and resultantly changing parking provision and they have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Other Matters

5.14 Officers consider that the proposed use of the garage is for a personal/home office use and not a commercial use and therefore there are little concerns with comings and goings to the office. Nevertheless, it is appropriate to place an ancillary condition on the conversion to ensure that the garage is only to be used ancillary to the existing dwellinghouse of 23 Ampney Orchard and for no other use as this is purely a residential area and any further intensification could result in harm to the neighbouring properties.

5.15 Bampton Parish Council have objected to the scheme as they are concerned with the parking situation at the dwellinghouse. Officers understand the Parish Councils concern and have carefully considered that as OCC Highways have not objected to the scheme, they therefore do not consider the proposed scheme would result in detrimental harm to Highway Safety. Officers also consider due to the residential nature and the information submitted by the applicant that should there be one additional car in this location it would not result in undue harm which warrants a highway refusal reason. Officers also consider that the property would still have a sufficient amount of parking provision.

Conclusion

5.16 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H6 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

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

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

4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 23 Ampney Orchard, Bampton.

REASON: The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to the location, access, and impact on residential amenity.

Contact Officer: Eloise Street

Telephone Number:

Date: 5th July 2023