

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 14th August 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.

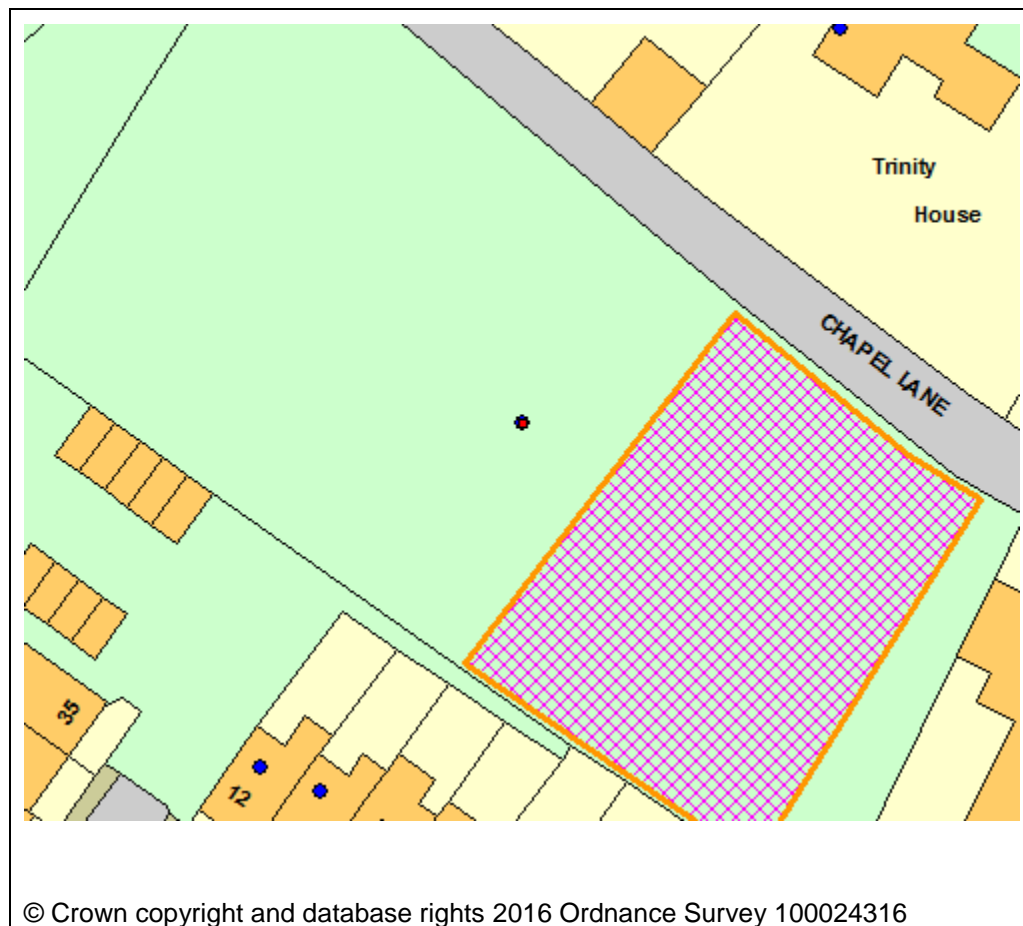
Please note that:

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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
11-31	22/01908/FUL	Land South West Of Chapel Lane	David Ditchett
32-47	22/03548/FUL	The Bell Inn Langford	Esther Hill
48-55	23/00565/HHD	Manor Farm Cottage Broughton Poggs	Clare Anscombe
56-60	23/00566/LBC	Manor Farm Cottage Broughton Poggs	Clare Anscombe

Application Number	22/01908/FUL
Site Address	Land South West Of Chapel Lane Standlake Oxfordshire
Date	2nd August 2023
Officer	David Ditchett
Officer Recommendations	Refuse
Parish	Standlake Parish Council
Grid Reference	439750 E    203347 N
Committee Date	14th August 2023

**Location Map**



**Application Details:**

Erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point (amended plans)

**Applicant Details:**  
NPES Developments Ltd  
C/o Agent

## I CONSULTATIONS

Parish Council

18/10/2022

Standlake PC objects to this application as follows:

**Transport, access and safety:** The developers' assessment of current traffic at the site is erroneous. The original landowner used a small tractor (housed in farm building across the lane) on irregular occasions. The application will result in considerable extra traffic movements along an unadopted, unpaved, lane with already poor and dangerous access onto The Green, which has not been addressed. As of 18th October, it is noted that no response has been received from OCC Highways as a statutory consultee.

**Flooding, drainage & sewerage infrastructure:** The problems in Standlake are well known and documented. While Thames Water have recently made improvements to the sewage system, the prevention of groundwater and run-off entering the system has not been proven. Winter flooding in the adjacent Woodlands access road is common, well documented, and impacts on properties both in Woodlands and Chapel Lane. The recent work by OCC to raise the road level in Woodlands has yet to be tested but, if successful in stopping the highway flooding, there is still the question of where this water will go.

**Biodiversity & sustainability:** This land provides a natural open area between the terraced properties in Woodlands and the detached properties opposite in The Butts. It is an open, lightly cultivated area whose loss will result in a reduction of wildlife and vegetation.

**Heritage, character & neighbourliness:** The proposed development is out of character, using modern materials and an unsympathetic design. It is out of scale with the surrounding buildings in Chapel Lane and in Woodlands and would visually dominate rather than blend in with the surroundings, giving rise to an overall negative visual impact.

District Ecologist

14/11/2022

Further information is needed to assess the potential biodiversity implications:

**Great Crested Newts (GCN):** The site supports suitable terrestrial habitat and one pond has been identified within 100m of the site. As a result, GCN could be adversely affected by the proposed development. Therefore, depending on access to the surrounding ponds, the following options are available to the applicant:

- Either the presence or likely absence of GCN to be established by way of a survey undertaken by a suitably qualified ecologist and in accordance with the Great Crested Newt Conservation Handbook (Frog life, 2001) and the Great Crested Newt Environmental eDNA Technical Advice Note (Natural England, 2014). If GCN are identified on or around the development site, an EPS site-based mitigation licence may be required.
- The District Licence scheme (administered by NatureSpace Partnership) should be applied for. Under West Oxfordshire District Council's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process. No seasonally restricted newt surveys would be needed and if newts were found during development, they could be safely moved out of harm's way. The scheme requires the applicant or their agent to make contact with NatureSpace (i.e. submit an enquiry form) to check their eligibility to enter and get a quote. Upon receipt of the correct payment, NatureSpace will issue a certificate that needs to be submitted with the application. The Council can then issue the planning consent and authorise the applicant to work under their licence at the same time. An enquiry can be made to NatureSpace via the following link: <https://naturespaceuk.com/enquiry-form/>

If the above is not resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire Local Plan Policy EH3, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

If the above can be resolved, I recommend the following conditions:

- The development shall be completed in accordance with all measures outlined within West Oxfordshire's Precautionary

Method of Working document. All recommendations shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

- 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.

- Within 3 months of commencement, details of the provision of integrated bat roosting features and integrated nesting opportunities for birds within the walls of the new buildings shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the building, and a timetable for their provision. The approved details shall be implemented before the building hereby approved is first used and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 174, 179

and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

Comments:

The submitted report has identified a mature walnut tree with high potential to support roosting bats therefore, any artificial lighting should be sensitively designed to prevent light spill towards the walnut tree. In addition, light spill should not be permitted towards any boundary linear features or biodiversity enhancement features.

The submitted report identified suitable habitat features on site which could support nesting birds in addition, the report identified limited features suitable for reptiles, toads and hedgehogs therefore, precautionary methods of working should be adhered to ensuring protected/priority species are safeguarded from the development.

Planning applications should aim to deliver biodiversity net gains in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework and Local Plan policy EH3. Features such as integrated bat tubes or boxes will provide a suitable roosting feature for a number of crevice dwelling bat species in addition, swift bricks will provide a valuable nesting feature for swifts but also other bird species such as starlings and house sparrows which have been recorded using this nesting feature.

WODC Drainage

04/11/2022

I see there have been about 100 objections since I previously commented on this app and approved the submitted s/w strategy (subject to condition).

The main flooding concerns are -

- Standlake experiences annual flooding from various sources. The field where the development is proposed currently soaks away a lot of rainfall and runoff may increase as a result of the impermeable area introduced (though the s/w strategy should prevent this).
- The site may not be suitable for infiltration, which is proposed via permeable paving for the roofs and hardstandings. Soakage tests, on which the design is based, was carried out during a dry spell when groundwater was not encountered at a depth of 0.5m bgl. The Allotment Society have a well/ borehole to monitor the groundwater level, which was 0.1mbgl after

heavy rain (In Feb 21) and just 1.15m bgl after a period of drought. As a minimum clearance of 1m needs to be maintained between the base of soakaways and the water table all year, it is questionable whether infiltration would be effective, and as a result increased s/w runoff from the site could result. The seasonal peak groundwater level has not yet been measure as part of the application and no full formal site investigation has yet been carried out.

- Groundwater levels and flood risk could increase on the site if infiltration is used, due to the perched water table in the area/connectivity to the River Windrush and the water gravitating to lower lying properties and into areas that already have a high water table. (This would actually be occurring already over a larger area, but would be concentrated with the reduced permeable area).
- Exceedance flows are directed down Chapel Lane, Woodlands and High Street, (however if the historical/natural route is along the highway this is better than being directed towards properties and should only occur for events in excess of 1 in 100 year + 40% cc.)
- It is proposed to raise the FFLs of the proposed development by 300mm, which would protect the new property but result in increased runoff to the properties at lower elevations.
- There is concern that it is only currently proposed to build on 1/3 of the field, but if the development is given planning permission it would create a precedent for the result of the field to be developed, with further drainage issues resulting.
- Infiltration is not adequate on the site, discharge to the Thames Water sewer (which would have to be restricted after on-site attenuation) would not be advisable, despite TW's lack of objection should the preferable means to dispose of s/w under SUDS hierarchy not be feasible, as TW regularly have to pump out sewage and groundwater from their network in Spring and Winter. Their work to prevent infiltration of groundwater into their sewers will result in more perched water, which other measures may be required to alleviate.
- There is also no spare capacity in the OCC s/w sewer.

These objections have highlighted a number of issues to me that I was previously unaware of, so I will now need to change my comment from "no objection subject to conditions" to "objection".

What I will need from the applicant for this objection to be removed



is for a viable surface strategy to be submitted prior to determination of the planning application. This should follow a full site investigation and report, and include such matters as -

1. Soakage testing to BRE 365, to calculate a revised infiltration rate.
2. Measurement/monitoring of groundwater levels on the site, to check whether adequate clearance can be obtained to the base of the permeable paving.
3. A groundwater management plan, to indicate how it would be controlled during construction to prevent an increased flood risk to other properties, and the rate of transfer to lower lying areas reduced if feasible.
4. Measures to prevent the raising of the property's FFLS from resulting in increased runoff onto lower lying properties.

#### OCC Highways

The proposal, if permitted, will 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 object to the granting of planning permission for the application as submitted.

The access to the site is substandard in terms of geometry and visibility of Chapel Lane and the Chapel Lane/The Green junction. Any intensification of use of Chapel Lane would result in an unacceptable additional risk and would be detrimental to the safety and convenience of highway users.

The traffic generation resulting from the existing agricultural use of the small field is similar to that associated with a single dwelling (movements from the agricultural use would simply be replaced by those resulting from the proposed residential use ) - no intensification of use would result in a recommendation of no objection from OCC for reasons of highway safety and convenience.

However, with this application, the proposed dwelling and red application area accounts for only approximately a third of the field area. The remaining two thirds could generate vehicular movements via the existing access to Chapel Lane which would result in an intensification of use of the substandard Chapel Lane and junction.

OCC records show no reportable injury accidents in the vicinity of the Chapel Lane junction for the 10 year period to 2022 although I

am aware of a non-reportable accident earlier this year detailed on the WODC Public Access website.

For the reasons given above this objection could be overcome if the remaining areas of field were to be restricted such that no additional movements resulted.

District Ecologist

14/07/2023

I can see that the great crested newt issue has been resolved and the applicant is making use of the council's District Licence. Therefore, I have no other outstanding concerns, please refer to previous Biodiversity Officer's recommendation, dated the 14th November 2022 for conditions.

Newt Officer

No Comment Received.

Thames Water

Waste Comments:

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

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

WODC Drainage

01/06/2023

My latest comments are -

- The key for the amended Drainage Layout drawing still indicates 500mm of sub-base for the permeable paving at the entrance and the patio area, although it has been reduced to 380mm in both cases as indicated on the construction sections.
- Under "Water quality" on page 2 of the revised drainage strategy it states FFLS will now be raised 600mm above existing ground levels to mitigate against the risk of any surface water flooding. Under "Other" it states the finished floor level should be set at 300mm or greater above the existing ground level to account for climate change (although obviously 600mm > 300mm).
- I previously requested measures to prevent the raising of the property's FFLS from resulting in increased runoff onto lower lying properties. I note retaining walls are now proposed near the western and eastern site boundaries, but nothing is proposed along the southern or northern boundaries. As far as the north is concerned, concrete buffers should be considered for the permeable paving to slow runoff and aid infiltration due to the steep slope and possibly also a cut-off

drain across the entrance (which would need a discharge point).

- I note that further soakage testing to BRE 365 has not been carried out as requested, however boreholes were recently undertaken which confirmed the water table is no higher than previously, so this is no longer necessary. A Safety Factor of 5 has also been used for the permeable paving, which has been designed to have a 750mm freeboard.
- The Microdrainage calculations indicate a permeable paving storage depth of 450mm instead of 470mm.
- The cover level for the permeable paving for the patio in the MD calculations doesn't tie up with what's indicated on the drainage layout (66.40m/66.20m).
- The cover levels for the parking area do tie up, however the rest of the MD calcs for this area are missing.
- A groundwater management plan has not yet been submitted, to indicate how it would be controlled during construction to prevent an increased flood risk to other properties and the rate of transfer to lower lying areas reduced if feasible. If this can be provided I can remove my objection.

WODC Drainage

27/06/2023

The latest submission by Michael Green, on behalf of Hydrogreen Consulting Ltd, includes a copy of his previous comments and photos of the groundwater and flooding problems in Standlake adjacent to the application site in January and April 2023. I don't believe I have seen this report before, but the groundwater levels on the allotments site in these 2 months were just 80mm and 30mm bgl. The borehole test results in the drainage strategy for January and February 2023 (there are no actual borehole logs included in the report) state water depths of between 590 and 800mm bgl. The strategy states there will be 750mm freeboard in the permeable paving, but presumably this is based on the water table being 590mm bgl and ground levels being raised. Based on the water table depth on the adjacent allotments site it would appear the permeable paving would be totally ineffective. It is noted that no groundwater readings were taken in March and April 2023 on the application site when rainfall was much higher and that there was groundwater flooding adjacent to the site in April. As the borehole results do not cover the March and April period, I have to take the groundwater levels from the adjacent allotment site into consideration, which would mean that infiltration would not be viable. As flooding already occurs from the undersized Thames Water drainage network we would not want to see any additional discharges

into it, despite them having no objection to it in principle.

I have requested a Groundwater Management Plan, to ensure that adjacent properties are not affected by s/w runoff during the construction phase. This has not yet been provided, but a request has been made for it to subject to a pre-commencement condition, as it would be prepared by the ground worker who has not yet been appointed as planning permission has not been granted. Although this could be agreed in principle, unless a viable drainage strategy can be submitted, I will have to maintain my objection to this development

WODC Drainage

21/09/2022

No Objection subject to conditions

District Ecologist

No Comment Received.

OCC Highways

No Comment Received.

Env Health - Lowlands

I have just seen the above referenced planning application on the planning portal, I have previously provided comment for a similar application (21/01060/FUL). My previous comments remain applicable and are copied below:

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. Review of the records we hold suggest the proposed development site has remained largely undeveloped over time, although it appears to have been used as an allotment in the past. As a precaution please consider adding the following condition to any grant of permission.

- I. 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

## 2 REPRESENTATIONS

2.1. 129 third party objection comments received and summarised as follows:

- Damage to lane
- Disruption
- Highway safety
- Poor access
- Accidents occurred in immediate area
- Conflict with pedestrians/cyclists
- Impact to Ecology
- Bats
- Newts
- Flooding
- High water table
- Performance of Thames Water
- Design
- Impact to listed buildings
- Damage to listed buildings
- Errors in application
- Further development likely in remaining plot
- Foul water
- Loss of green space
- Impact to local character
- No space for turning or passing
- Loss of light
- Overshadowing
- Loss of privacy
- Domestication of site
- Lane is in poor condition
- Issues during construction
- Loss of quiet, safe lane
- Out of keeping with its surroundings
- Loss of parking
- Layout
- Impact to well being
- No public benefit
- No paths on lane
- Does not improve previously withdrawn application
- Increase delivery vans
- Lane is maintained by existing residents
- Against local and national policy
- Impact to landscape

- Stress for neighbours
- Change character of area
- Loss of hedgerow
- Lack of emergency access
- Noise
- Inappropriate materials
- Land is not domestic
- Spoil the historic and rural nature of Chapel Lane
- Increase in pollution
- Impact to allotment users
- Not sustainable development
- Loss of amenity
- Lack of reports in the application (ecology and transport)
- Number of detailed objections to this application is evidence of the strength of local community feeling against this application

2.2. A number of documents submitted on behalf of objectors were also received. These are:

- Transport Note by D. G. Consultancy
- Hydrologist Report by Michael Green B.Eng (Hons), M.Sc, C.Eng, MCIWEM C.WEM
- Objection Letter by Rebecca Mushing of Wright Hassall
- Errors Document by Chapel Lane Residents Group
- Continuing Ground Water and Flooding problems in Standlake 2023 Document by Chapel Lane Residents Group
- Chapel Lane Residents Group Objection Technical Note - Highways

### **3 APPLICANT'S CASE**

3.1 A number of supporting documents have been submitted with the application. The applicants Planning Statement is concluded as follows:

3.2 This proposal seeks to build a high-quality, family sized dwelling that is sustainable in both its property use and location. The proposal seeks to achieve a level of development which is appropriate and consistent for the locality and the plot's size.

3.3 The site is sustainably located within an established residential area. It is well served by means of transport links to local towns and is within easy reach of day-to-day amenities such as the local shop.

3.4 The scale and form of the proposed development is greatly governed by the surrounding context, site limitations and the character of the village. The massing and height of the dwelling is broadly the same, if not smaller than neighbouring properties and the surrounding context so that it would not appear dominant or visually obtrusive to neighbouring properties views.

3.5 The design of the dwelling has been carefully considered and care has been taken in the positioning of feature windows serving habitable rooms to ensure that there would be no overlooking or compromises on privacy.

3.6 The proposed planting and retention of existing vegetation will give the site a verdant character as well as maintaining its biodiversity on the site. Overall, the proposal therefore is deemed to have a positive impact to Chapel Lane and represents a sustainable development.

3.7 It is therefore hoped that the proposal would meet with the support of Officers.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **PLANNING ASSESSMENT**

### **Background Information**

5.1 The application seeks planning permission for the erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point.

5.2 The site is a parcel of land located to the south of Chapel Lane, Standlake. The site is considered to be agricultural in nature and not currently domestic. Officers understand the site was used for small scale arable farming and chicken grazing.

5.3 The site itself is not subject to any landscape or heritage designations. However, two grade II listed buildings are located approximately 65m to the east of the site (Swift Cottage and 1 The Green). A further grade II listed building is located approximately 58m to the north east of the site (Delaware Cottage).

5.4 A group Tree Preservation Order (TPO ref. 141.66) is present immediately to the south (but outside) of the site on Woodlands. A Tree Preservation Order (TPO ref 141.298) is placed on the single walnut tree inside the field (but not part of the development site).



5.5 The site is accessed by a single track road with no footpaths. The single track road currently serves the parking areas for 7 dwellings, allotments and the field partly to be developed.

5.6 New plans and information to attempt to address consultee comments has been received throughout the process. These have been consulted upon and results in the current scheme.

5.7 This application is before Members of the Lowlands Area Planning Sub-Committee as it was referred by Councillor Nicholls in relation to sewage capacity, flooding and accessibility.

### **Relevant Planning History**

5.8 21/01060/FUL: Construction of a detached dwelling and detached double garage along with associated works. Withdrawn 24.06.2021

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;
- Flood Risk;
- Highways;
- Design, Layout and Heritage Impacts;
- Residential Amenity;
- Ecology; and
- Conclusion and Planning Balance

### **Principle of Development**

#### *Development Plan*

5.10 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out Policy OS2.

5.11 Standlake is identified as a 'Village' in the settlement hierarchy of the adopted West Oxfordshire Local Plan 2031. The site itself is bounded by built form on 3 sides with allotments on the fourth. As the site is more enclosed than it is not, the site is considered to be 'within' the village. As the land is agricultural, this is considered to be undeveloped land. 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 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'.

5.12 As such, the principle of a new dwelling in the proposed location is acceptable subject to compliance with the other policies set out in the local plan, particularly OS2.

## National Policy

- 5.13 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.
- 5.14 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.
- 5.15 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).
- 5.16 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11 d) of the NPPF is engaged.
- 5.17 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.

## Flood Risk

- 5.18 The site is located in flood zone 1 and as such is at the lowest risk of fluvial flooding. However, that is not the main issue for this site. A significant number of objections reference that Standlake suffers from groundwater flooding. Those representations are evidence and cannot be ignored. The drainage officer initially raised no objection, however they were unaware of the local issues of groundwater flooding. As such, the drainage officer changed their position to 'objection' and requested further information as set out in their comments above.
- 5.19 The drainage officer requested measurement/monitoring of groundwater levels on the site and this was provided by the applicant. However, there is some ambiguity in the details submitted. An objector commissioned a third party consultant has submitted details showing groundwater levels on the adjacent allotments site in January and April 2023 of just 80mm and 30mm below ground

level (bgl). However, the borehole test results in the drainage strategy submitted by the applicant for January and February 2023 (there are no actual borehole logs included in the report) state water depths of between 590 and 800mm bgl. There are some clear differences here therefore.

5.20 It is noted that no groundwater readings were taken in March and April 2023 by the applicant on the application site when rainfall was much higher and that there was groundwater flooding adjacent to the site in April (as reported by objectors). As the borehole results do not cover the March and April period, groundwater levels from the adjacent allotment site must be taken into consideration, which would mean that infiltration would not be viable and the permeable paving would be ineffective.

5.21 Thames Water commented stating 'With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required'. The drainage officer is clear that infiltration is not possible and thus, surface water must be directed to the existing sewers, which objectors state cannot cope. Thames Water however note that 'The developer should liaise with the LLFA (drainage team) to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding'.

5.22 Therefore, we have Thames Water stating their sewers can cope with additional surface water as the development is of such a small scale. However, local objectors and the Council's Drainage Officer do not agree and are of the opinion that the proposed development would result in unacceptable flood risk. Local Plan Policy EH7 states 'all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal'. The NPPF (paragraph 167) states 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'. Based on the conflicting information available to officers, it has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or indeed, existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF.

## Highways

5.23 OCC Highways have objected to the development. The access to the site is substandard in terms of geometry and visibility of Chapel Lane and the Chapel Lane/The Green junction. The applicant has amended the access to the dwelling itself, however OCC have not submitted an updated comment in relation to that amendment. Nonetheless, the Chapel Lane/The Green junction has not changed and those entering and exiting Chapel Lane present a risk to themselves and other highway users by virtue of the inadequate visibility.

5.24 The proposed dwelling and red application area accounts for only approximately a third of the field area. The remaining two thirds could generate vehicular movements via the existing access to

Chapel Lane, which would result in an intensification of use of the substandard Chapel Lane junction. While there is some debate around how many movements would result from the new dwelling above the baseline, and of note is that the existing access is used by the occupiers of 7 dwellings to park, along with users of the allotments. It cannot be disputed that a new dwelling in the proposed location would result in an increase in movements. The specialist officer at OCC is clear that the use of the access should not be intensified.

5.25 The proposed dwelling would result in an intensification of the substandard access that lacks adequate visibility. The proposal would therefore result in a significant adverse impact on highway safety, which would be harmful to the safety and convenience of highway users. The proposal is therefore contrary to Policies OS2 and T4 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

### **Design, Layout and Heritage Impacts**

5.26 The setting of the Grade II listed buildings may be affected by the development. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.27 Local Plan Policy EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.

5.28 Section 16, in particular paragraphs 197, 199, 200, 202 and 203 of the National Planning Policy Framework (NPPF) are also applicable. Paragraph 202 is particularly relevant as this states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

5.29 Historic OS maps from 1875-1899 show the site to be clearly separated from the land parcels associated with the listed buildings Swift Cottage, 1 The Green and Delaware Cottage. As such, there does not appear to be any physical link between the site and the listed buildings. Indeed, currently, the site is separated from Delaware Cottage by Chapel Lane itself. Also, the erection of Southwold between the site and Swift Cottage/1, The Green has introduced built form between the site and the listed buildings. Officers are unaware of any historic links between the site and the listed buildings. The site therefore does not form part of the significance of the listed buildings owing to its lack of physical and historic links. Officers note the agricultural character of the site however; this offers little toward the setting of the listed buildings.

5.30 While Standlake has a linear character, the immediate area is differing in density and settlement pattern with a higher density of two storey dwellings in terraces in uniform plots to the south, and detached dwellings (1.5 and two storey) set in more spacious plots in an irregular pattern to the east/north. The predominant pattern of development therefore is not linear; it is nucleated with detached dwellings in reasonably spacious plots. The proposed detached 1.5 storey dwelling set in a relatively large plot is in line with the existing pattern of development and density of the area. Furthermore, it is located to the east of the field, close to existing built form such that it relates to the built up areas and does not appear out of place. It is clear that the footprint and siting is in line with the dwellings in the near vicinity.

- 5.31 In terms of the dwelling itself, this detached and 1.5 storey in a broad 'Z' shape. The front projection includes a double garage with accommodation above and is set below the ridge line of the main bulk. Dormers within the roof slope and the set into the eaves are included. In terms of materials, these are standing seam zinc clad dormers, blue/ grey slate roof, wooden balcony to master bedroom, Cotswold stone and vertical timber cladding elevations, standing seam zinc clad feature window surround and ashlar stone capping to chimney. These are high quality traditional materials. While some of the design features (dormers, zinc clad feature window surround) are modern, the overall appearance is quite restrained and traditional in nature with some modern elements.
- 5.32 With regard to landscape impact, the development will involve the loss of some green space. However, the land is privately owned and has no special designation. As such, it is not available for use by the public, nor is it considered to be of any particular merit to warrant designation. While it does soften the area, it is only viewed from select viewpoints and is not viewed from any main routes though Standlake nor nearby Public Rights of Way. Furthermore, many representations have stated the difficulty using Chapel Lane and its access, which no doubt reduces the numbers of those travelling in the immediate area. As such, while the loss of some green space will occur, this is not considered to be harmful. Particularly as only approximately one third of the field is proposed to be developed.
- 5.33 Several objections note the historic nature of the area. Officers agree that some dwellings in the area are historic; however, Riversfield (directly to the north of the site) and the 23 dwellings associated with Woodlands to the south have been erected in the last 50 years. The immediate area therefore is not overtly historic. In that regard, the introduction of a new dwelling is not considered to be harmful to the character and appearance of the area.
- 5.34 Several objections also raised concerns that vehicles accessing the new dwelling (occupiers and deliveries) could damage the grade II listed Swift Cottage owing to the height of the thatched roof and proximity to the access. Officers acknowledge that there would be an increase in movements as a result of the new dwelling. However, it is difficult to envisage how the movements associated with one dwelling, when taking into account the baseline of movements on the access already used by 7 dwellings and an allotments would result in an unacceptable risk of damage to Swift Cottage.
- 5.35 Officers are satisfied that the siting of the dwelling would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the building integrates successfully into the site and its surroundings and would not be harmful to the character and appearance of the area or nearby listed buildings. The proposed development accords with Local Plan Policies EH2, OS2, OS4, EH9, and EH11, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF in that regard.

## **Residential Amenity**

- 5.36 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.
- 5.37 Acceptable window to window distances are a minimum of 22m. None of the proposed windows on the dwelling are below the 22m separation distance to nearby dwellings and no first

floor windows face into the nearest neighbour Southwold. As such, overlooking and loss of privacy impacts are unlikely.

5.38 The dwelling is 1.5 storey and located 12m to the north west of Southwold at its nearest point. As the sun shines from the south and travels east to west, the new dwelling will not block any light reaching Southwold for the bulk of the day. However, there would be a very modest impact to the side elevation windows of Southwold on summer evenings. When considering the separation distances between the dwelling and other properties in the area, the new dwelling will not block any light to any other dwellings. Furthermore, owing to its size and siting, overbearing or overshadowing impacts are also unlikely.

5.39 While a new use would be introduced into the site, this would be domestic in nature, which is the dominant use in the area. External lighting could be controlled by condition.

5.40 While some disturbance will occur during construction, this would be short lived and could be controlled with a Construction Traffic Management Plan (CTMP) to control deliveries, working hours, noise, dust and disturbance.

5.41 Officers are satisfied, for the reasons outlined, that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration and suitable amenity space is provided.

## **Ecology**

5.42 The field is agricultural in nature and has been used for arable farming and keeping of chickens. Aerial images show the site was used quite intensively and as such, the ecological value of the bulk of the site is low.

5.43 The submitted report identifies a mature walnut tree with high potential to support roosting bats. However, no works are proposed to the tree, which is outside of the red line and subject to a TPO in any event. Lighting will be controlled by condition to ensure bat roosts in the tree are not affected.

5.44 Some hedge would be lost to facilitate the access however, significant hedgerow planting is proposed that would far outweigh the loss of the small section of hedge and would result in biodiversity net gain.

5.45 The Council's Biodiversity Officer had no objections to the scheme under the proviso that the impact to Great Crested Newts could be addressed.

5.46 The site supports suitable terrestrial habitat for Great Crested Newt (GCN) and one pond has been identified within 100m of the site. As a result, GCN could be adversely affected by the proposed development. The applicant has now entered into the District Licence Scheme to mitigate the impact to GCN. While the LPA has not heard formally from the Newt Officer, the biodiversity officer raises no objections in relation to newts. As such, impact to GCN could be controlled by conditions.

5.47 Net gain, a landscape scheme, external lighting, precautionary method of working, bat and bird boxes and impact to GCN could all be controlled by condition. As such, the proposal is not considered to be harmful to protected species or ecology in general.

## **Conclusion and Planning Balance**

5.48 As the LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11 of the NPPF applies. 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;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.49 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. As such, the adverse impacts versus benefits assessment must be made.

5.50 Officers have identified the unknown flood risk and unacceptable impact to highway safety as adverse impacts, these attract significant negative weight. In terms of benefits, this would be the contribution of one dwelling to West Oxfordshire District housing stock and the economic benefits of the construction phase and increase in population. Owing to the scale of development, these benefits only attract limited weight. As such, the significant negative weight identified would significantly and demonstrably outweigh the limited benefits found. As such, the application should be refused.

## **6 REASONS FOR REFUSAL**

1. It has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF.
2. The proposal would result in a significant adverse impact on highway safety as it results in the intensification of a substandard access that lacks adequate visibility, which would be harmful to the locality and to the safety and convenience of highway users. The proposal is therefore contrary to Policies OS2 and T4 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

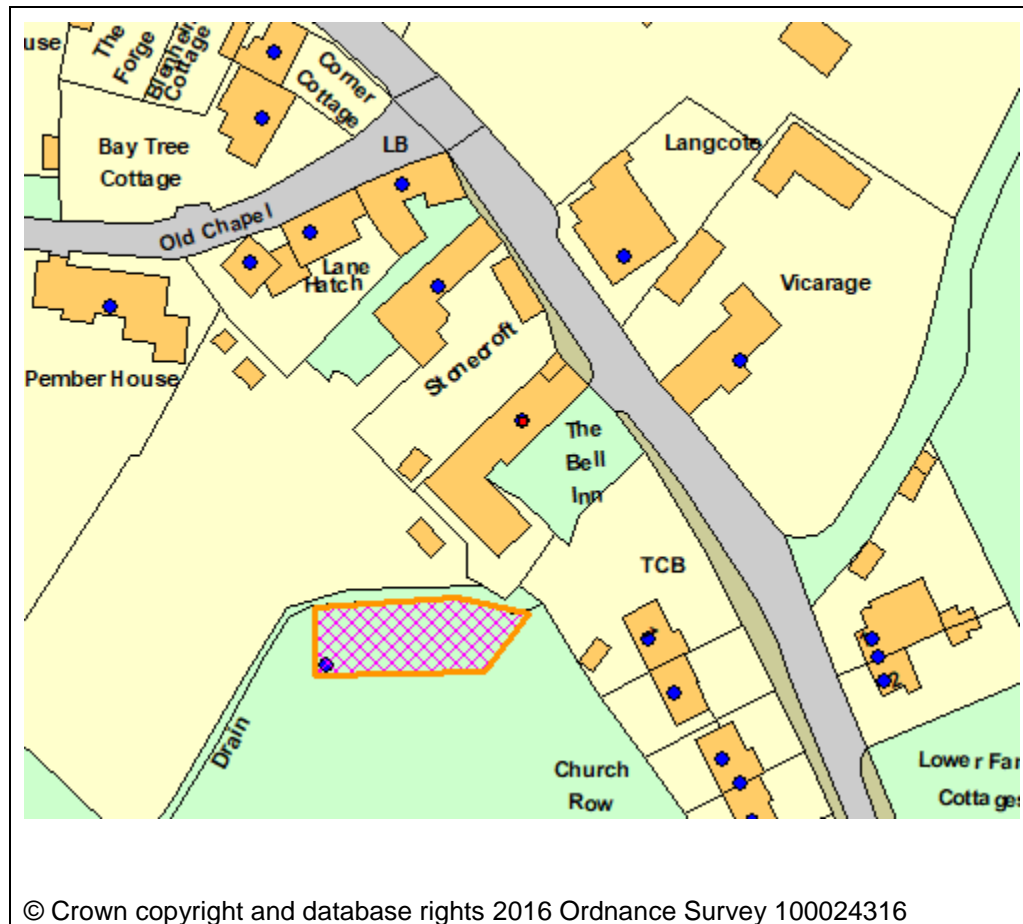
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 2nd August 2023

Application Number	22/03548/FUL
Site Address	The Bell Inn Langford Lechlade Oxfordshire GL7 3LF
Date	2nd August 2023
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Langford Parish Council
Grid Reference	424896 E 202671 N
Committee Date	14th August 2023

### Location Map



### Application Details:

Installation of replacement packaged sewage treatment plant and associated engineering operations.



**Applicant Details:**

Mr Peter Creed And Tom Noest  
The Bell Inn  
Street Through Langford  
Langford  
Glos GL7 3LF

**I CONSULTATIONS**

Env Health - Lowlands

**ERS Noise Officer**

31/07/2023-

Due to the further information supplied by the applicant, I have no further concerns over noise from the proposed plant.

16/03/2023- I have some slight concerns over noise levels from the proposed new blower units. I note that they are bigger than the existing units, but the applicant states that they may be quieter, I would ask for confirmation of the location of the blower units (I am assuming that they are integral to the tanks) and if they run constantly or on an intermittent basis. If they are intermittent would it be possible to turn them off overnight without affected the efficiency of the system?

Parish Council

23/03/2023-Response to WODC letter dated 10th March 2023 asking if Langford Parish Council (LPC) would like to comment on amendments contained in the document entitled "Applicant Response to ERS and Parish" dated 10th March 2023.

Our response below was formulated in a regular meeting of Langford Parish Council that was held on the 16th March 2023.

It remains the case that LPC view the Environment Agency as a key Consultee - and they have yet to respond. LPC ask that WODC continue to pursue the EA for a response to this application.

From our perspective, it remains unclear if a EA permit is required. The EA can, of course, determine this.

Neither the applicant or any Consultee has responded to our concern that the location of the STP is at the lowest part of the village and we don't know how it would cope were there to be a recurrence of the 2007 flood event.

With these critical aspects still outstanding, our **OBJECTION** to planning proposal 22/03548/FUL remains. No other planning aspects relate to this **OBJECTION** from an LPC perspective where, beyond the above, we are supportive of the applicant.

Env Health - Lowlands

No Comment Received.

Parish Council

05/02/2023- Langford Parish Council OBJECT to planning proposal 22/03548/FUL.

While the Parish Council supports in principle the repositioning of the sewage treatment plant further from the pub and local residents, we wish to state an objection as in our view the proposal provides insufficient information regarding the proposed plant and its performance in the desired location. Also, a key Consultee, The Environment Agency, has yet to make a determination and without this we lack critical information.

Key material considerations:

1. No mention is made of odours that may be released by the plant. How any odours may affect nearby residents.
2. As 1. No mention is made of noise. What noise levels and time/duration.
3. In 2007, the area flooded. No mention is made of how the proposed plant would cope with a recurrence. As per the 2007 Area Flood Map, the desired location is the lowest part of the village.
4. The drainage in the area is constrained. No mention is made of how the plant will cope with the constrains.
5. From: <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmentalpermits> and given the increased capacity of the plant, a new Bespoke or Standard Rules Permit may be required.

See Supportive Artefacts below for an expansion of points 3 & 4.

Local knowledge:

1. Langford Parish Council has received concerns from a nearby Parishioner as to potential odours, noise and the scale of the plant. Why is the new plant 3-4 times larger than the old?
2. Why does the proposed plant need to empty into a watercourse - given that the Applicant owns land, why did they not build a drain-field on their land? Langford Parish Council consider this a viable option.

Comments:

1. No mention is made of how the plant will be maintained over time. Will tanker access be required and if so, how will vehicular access be made.
2. Langford Parish Council have no broader objections to the proposed new treatment plant than those stated above.
3. Langford Parish Council are, of course, concerned that the new treatment plant, installed at its desired location, will not impact the environment in a negative way.

Supporting documents attached to this comment can be viewed on the WODC Website.

**ERS Pollutions Officer**

11/05/2023 and 26/04/2023-I am happy with the technical note and have no further concerns regarding the discharge volume. However, I would still recommend the suggested conditions.

Please find the conditions below:

1. Prior to the full operation of the sewage treatment plant (STP), the manufacturer's specifications, commissioning report/certificate and maintenance schedule for the plant shall be supplied to the Local Planning Office for approval. In addition, the applicant shall provide a copy of the procedures in place to prevent overflow or discharge of untreated water in the event of failure of one or more elements of the STP.

Reason: To ensure the plant has been installed and is operated correctly prior to full operation, to protect the amenity for local residents, and to ensure procedures are in place to protect surface waters and land in the event of STP failure.

2. Prior to the full operation of the sewage treatment plant (STP) an odour management plan (OMP) shall be submitted to the Local Planning Office for approval. The OMP shall detail additional odour control measures which will be put in place during periods of elevated odour emissions, e.g. during hot weather, during tank cleaning, breakdown etc. The OMP shall include a complaints procedure and describe how the applicant will liaise with residents during such periods of elevated odour emissions.

Reason: To protect the amenity value of nearby residential properties, and to ensure elevated odour emissions are managed appropriately.

I trust the above is sufficient, however if you have any queries please do not hesitate to contact me.

21/02/2023- I have a couple of comments regarding the above application:

- The volume of waste water has been calculated incorrectly. The total per day would be just over 5m<sup>3</sup>, (5.04m<sup>3</sup>) based on the figures provided on the Additional Plant Details document. This doesn't include social drinkers, and I'm not sure if it includes staff. Consequently, contrary to Planning, Design and Access Statement, it is likely that the STP will need a permit from the EA to discharge to surface water, based on the volume to be discharged. Concerns regarding flooding will also need to be directed to the EA.
- I would recommend including conditions regarding the following:
- the submission of a commissioning report/certificate, manufacturers specifications and maintenance schedule for

- the STP
- An odour control plan, providing information on additional odour control measures to be put in place during periods of elevated odour emissions, e.g. during hot weather, during tank cleaning etc.

OCC Archaeological Services	<p>24/05/2023-Thank you for consulting us on this application. The site lies in an area of archaeological interest and potential, adjacent to the earthworks of Langford Shrunkon Medieval Village. The applicant has submitted the approved WSI for the archaeological watching brief, and so I would like to amend my suggested conditions to the below:</p> <p>1. No development shall commence on site without the appointed archaeologist being present (other than in accordance with the agreed and submitted Written Scheme of Investigation 'The Bell Inn Archaeological Watching Brief Written Scheme of Investigation' John Moore Heritage Services 2023). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).</p>
Env Health - Lowlands	<p><b>ERS Amenities Officer</b></p> <p>17.01.2023- Thank you for the opportunity to consult.</p> <p>I have no objection in principle.</p>
WODC Drainage	<p>I have no comment to make on the replacement sewage treatment plant itself as it's not within our remit, however the applicant will need to apply to me for S23 land drainage consent for the proposed discharge to the watercourse.</p>
Parish Council	<p>05/03/2023- The Parish Council have responded as follows</p> <p>1. We note that the ERS Pollutions Officer questions the Planning, Design and Access Statement and states that it is likely that the applicant will need a permit from the EA.</p> <p>2. As before, the EA are a key consultee who have yet to submit their comments/determination.</p> <p>3. The EA have supplied a Flood Map for Planning which gives the location a low risk of flooding. But we know, from the 2007 flood event, that the location is the lowest part of the village - and LPC don't, from the planning responses thus far,</p>

know how the proposed plant would cope with a recurrence.

4. We still don't have an assessment of the noise, levels and times/durations.

5. We note that the applicant needs to apply to WODC Land Drainage Consenting for a S23 Land Drainage Consent.

Until further progress is made on 1-5 above we don't have grounds to withdraw our Objection. In particular we view comments from the EA as key. LPC also note that Oxford County Archaeological Services recommend that a planning responsibility be attached to any permission. Given that groundworks have begun and the excavations are substantially complete, this responsibility can now only apply to the remainder of the works.

Environment Agency

01/06/2023- In terms of proposals which involve the use of non-mains foul drainage - we only need to be consulted on major developments proposing a non-mains option. I don't believe this application fits the definition of major development but please do correct us if we're wrong.

It is very likely that the applicant will need a permit for their proposal but we do not need to comment at the planning application stage with regards to this. The applicant will need to ensure they have all other relevant approvals should planning permission be given, before they go ahead.

ERS Contamination

**ERS Contamination Officer**

07/03/2023- Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

OCC Archaeological Services

21.02.2023- Thank you for consulting us in connection to the above application. The proposal site lies in an area of archaeological interest and potential, in a field which contains the remains of Langford Shrunken Medieval village. LiDAR data of the site show mounds and hollows, as well as house platforms in the area north of St Matthew's Church. There is potential for the excavations associated with the proposals to disturb further Medieval remains.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

I. The applicant, or their agents or successors in title, shall be

responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

If the applicant contacts us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

Conservation And Design  
Officer

07/07/2023- Thanks for sending the heritage statement. I am now satisfied that the heritage assets (above ground) have been considered, and that the works will preserve the overall significance and setting of those heritage assets.

## **2 REPRESENTATIONS**

2.1 No third party representations have been received.

## **3 APPLICANT'S CASE**

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website. The statement has been summarised below:

3.2 The proposed development is the installation of a (replacement) packaged sewage treatment plant on land adjacent to The Bell Inn at Langford. The site is located on land outside the existing curtilage of the Grade II listed public house within the Langford Conservation Area. The development involves engineering operations that constitute development and it is therefore understood that full planning permission is required.

3.3 The proposed development is located below ground and once completed, only the inspection chamber access lids will remain visible. The proposed development is considered to have no visual

or landscape impact on the adjacent Grade II listed building on the adjacent land, or the wider setting within the conservation area.

3.4 The proposed development is required for the future viability of a small rural business, The Bell Inn, which is the only remaining pub in the village of Langford. The pub is an important part of the rural community and provides local employment. The replacement packaged sewage treatment plant is essential for the future operation of the business.

3.5 No trees or hedgerow are affected by the proposals.

3.6 The proposals do will not harm the ecology of the site or biodiversity.

3.7 Section 23 consent (under the Land Drainage Act 1991) is not required for the construction of a new headwall as the design will not obstruct the flow of water in the drainage ditch.

3.8 We trust that officers will consider the scheme to be acceptable and compliant with the relevant policies within the NPPF and West Oxfordshire District Council Local Plan 2011 to 2031.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH8 Environmental protection

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 This application seeks planning permission for the installation of a replacement packaged sewage treatment plant and associated engineering operations at The Bell Inn in Langford.

5.2 The application site relates to a grade II listed public house situated within the village of Langford. The proposed sewage treatment works are to be sited within a field adjoining the pub to the south west. The site falls within the Langford Conservation Area. There are a number of grade II listed buildings to the north and east of The Bell Inn. The grade I listed St Mathews Church and associated grade II listed structures, are situated approximately 93m south of the proposed sewage treatment plant. The site also falls within a site of specific scientific interest (commonly referred to as SSSI) potential impact risk zone.

5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Parish Council.

5.4 When officers conducted their site visit it was noted that some excavation works seem to have taken place on the site. Your officers asked the applicants to clarify whether works had commenced on site. Your officers were advised that the excavation works on site undertaken by the applicant do not form part of the proposed development and are in a different location to the proposed sewage treatment plant. They therefore do not consider the proposed development to have commenced. The applicant has agreed to backfill the excavated area but will wait to do so under the supervision of the archaeologist once the proposed development has commenced, subject to planning permission being granted and the associated conditions being discharged.

## **Planning History**

5.5 W91/0522 & W91/0523- Construct beer cellar.- Approved.

W98/1203-Internal alterations.- Approved.

W2002/0420- Erection of two storey extension to west elevation.-Approved.

W2002/0421-Internal & external alterations including removal of disused wc & erection of two storey extension to west elevation.-Approved.

04/1533/P/LB- Internal & external alterations to include removal of existing extraction system and replace with new, larger system.-Approved.

07/1255/P/FP-Erection of single storey extension to provide letting rooms and staff accommodation.- Approved.

10/0824/P/FPEXT- Erection of single storey extension to provide letting rooms and staff accommodation, (to allow extension to time limit)-Approved.

10/0825/P/LBEXT-Internal and external alterations, (to allow extension to time limit)- Approved.

15/02848/FUL- Remove existing garage and store. Construct new single storey extension to accommodate 4no. letting bedrooms and alterations to existing first floor to create 2no. letting bedrooms.-Approved.

15/02849/LBC- Remove existing garage and store. Construct new single storey extension to accommodate 4no. letting bedrooms and alterations to existing first floor to create 2no. letting bedrooms.- Approved.

17/02230/FUL- Remove existing garage and store. Construct new single storey extension to accommodate 4no. letting bedrooms and alterations to existing first floor to create 2no. letting bedrooms.-Approved.

17/02231/LBC- Internal and external alterations to remove existing garage and store, and construct new single storey extension to accommodate 4no. letting bedrooms and alterations to existing first floor to create 2no. letting bedrooms.- Approved.

20/03121/FUL- Construction of Oak pergola over outdoor terrace, attached to front elevation.- Approved.



21/00022/LBC- Construction of Oak pergola over outdoor terrace, attached to front elevation.-  
Approved.

## **Proposed Development**

5.6 Proposed is to replace and upgrade the sewage treatment plant serving The Bell Inn. It is intended to replace an existing poorly functioning unit. The existing plant could continue to operate lawfully but the owners and operators of The Bell Inn are not happy with the smells that come from the plant and have agreed to make a considerable investment in installing a replacement plant to overcome the issue.

5.7 The proposed plant consists of two pre-formed plastic chambers each 10.2m in length, linked together. The total size of the plant will be 21.60m long x 2.2m wide x 3.1m deep. The chambers are to be sited below ground with only inspection chamber lids required for maintenance and servicing, remaining visible at ground level. The first tank will primarily be used for sludge settlement and the second is for treatment. The package uses a single air blower for the treatment chamber activation. The proposed plant will have a pumped outflow and will discharge via a new precast concrete headwall with vermin screen, to be installed on the southern bank of the existing drainage ditch. The point of discharge is within 5m of the existing point of discharge from the plant that is to be replaced. A sample chamber is to be located 5m before the outflow headwall, to allow effluent quality to be monitored and sampled. A tanker will desludge the sewage treatment plant on a bi-annual basis. The tanker will park in the carpark alongside the Bell Inn and empty the chambers using a suction hose which will reach up to 60 metres from the tanker. The tank location is well within the range of the tanker.

5.8 The existing foul drainage network serving The Bell Inn will remain unchanged, with the gravity flow serving the existing plant extended to connect into the new packaged treatment plant. The existing control kiosk and compressor units within the site will be replaced in the same location within the existing fencing (The old plant will be removed). The new kiosk will house the power, switching and the new compressor.

5.9 The foul wastewater flow from The Bell Inn is classed by British Water as domestic wastewater. The proposed plant will comply with the General Binding Rules. The proposed plant complies with BS 12566 (or equivalent) and treated effluent from the plant is therefore classed by British Water as non-polluting and suitable for discharge into a running water course.

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

- The Principle of Development;
- Design and Visual Amenity
- Heritage Impacts
- Residential Amenity and Pollution;
- Other Matters

## **The Principle of Development**

5.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990

provides that the Local Planning Authority (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).

- 5.12 Policy E4 of the West Oxfordshire Local Plan (2031) states proposed tourism and leisure developments which utilise and enrich existing attractions to the benefit of visitors and local communities will be supported. Policy E5 of the West Oxfordshire Local Plan (2031) states the Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. The proposed development is for the replacement of the existing sewage treatment plant (STP) which serves a public house improving the facilities which it offers. Within the supporting statement submitted the applicant states *The proposed development is required for the future viability of a small rural business, The Bell Inn, which is the only remaining pub in the village of Langford. The pub is an important part of the rural community and provides local employment. The replacement packaged sewage treatment plant is essential for the future operation of the business.* Your officers therefore consider the principle of development to be acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

### **Design and Visual Amenity**

- 5.13 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).
- 5.14 The proposed development is to be situated mostly below ground level, apart from a Kiosk, 4 inspection chambers and a precast headwall within the drainage ditch. The largest of the inspection chambers has an access cover which measures 1.1m in length by 0.9m in width. The covers will be most visible in the winter when vegetation is low, however in summer (if vegetation levels are similar to those during the site visit) the covers would be completely obscured by the surrounding vegetation. The existing kiosks are to be removed and replaced with a single kiosk which will house the power, switching and the new compressor. The proposed Kiosk is to be located within a panel fence adjacent to The Bell Inn and will be screened from view completely. The proposed kiosk is green in colour, has a height of 1.27m, is 96cm wide and has a depth of 50cm. The proposed precast concrete headwall with vermin screen, is to be installed on the southern bank of the existing drainage ditch within 5m of the existing headwall.

5.15 Your officers consider that the proposed development is supportable in terms of its design and would not give rise to any harm to the visual amenity of the area. The proposed development is therefore considered to comply with policies OS2 and OS4 of the WOLP.

## **Heritage Impacts**

### *Listed Buildings*

5.16 The Bell Inn is a Grade II Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

5.17 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

5.18 The proposed sewage treatment plant is to be situated within a field adjoining The Bell Inn. The proposal site contributes slightly to the overall significance of the building, though this is predominantly derived from other aspects. Due to the small visual and aural impact the proposals will not result in any significant change to the experience of the building and its setting. There will therefore be no impact to the setting of the building as a result of the proposals; it may in fact be the case that the proposals enhance the experience of the building due to a reduction in the current malodour.

5.19 The proposed treatment tanks are also located within the setting of the grade I listed St Matthew's Church. Visually it is likely that the proposed chambers will be almost imperceptible unless one specifically searches them out, thus the elements of the setting that contribute to the significance of the building will be preserved and there will be no impact on the building.

5.20 Your officers therefore consider that the proposed development will respect the special qualities and historic context of the listed buildings and would maintain the appearance of the heritage assets given the nature of what is proposed and its location. The proposed development would conform to policies EH10 and EH11 of the Local Plan and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

### *Conservation Area*

5.21 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard the proposal site contributes to the significance of the conservation area. However, it is anticipated that there will be a negligible impact on the significance of the conservation area as a result of the proposals due to the minimal visual and sensory impact of the proposals. The proposed sewage treatment plant is therefore considered to 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 development would therefore comply with policy EH10 of the adopted West Oxfordshire Local Plan 2031, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 'Conserving and enhancing the historic environment'.

## **Residential Amenity and Pollution**

5.22 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185. Given the nature of this development Policy EH8 of the WOLP is also relevant when considering this application. Policy EH8 of the adopted WOLP relates to environmental protection and states *Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.*

5.23 The impact of this development on the residential amenities of neighbouring properties has been carefully assessed when considering this application and officers have conducted site visits. Given the nature of the development, its siting and design, the development is not considered to give rise to any overlooking, loss of light, loss of privacy or overlooking issues. The main considerations for this development are therefore its odour and noise impacts. Further information was requested by the WODC Noise and Pollutions Officers in relation to these matters.

5.24 Concerns were raised by the WODC Noise and Amenities officer regarding the noise impacts of the development on neighbouring residents. The closest neighbour is situated to the south east of the site and is approximately 20m from the proposed Kiosk which is to house the compressor/air blower. Additional information relating to the noise generated from the development has been provided. The applicant states that the air blower is to be housed within an enclosure (the green Kiosk) to reduce the attenuation. The sound level of the proposed air blower at 1.0 metre is 72 DBA, and at 5.0 metres is 50 DBA and at 10.0 metres, the noise is undetectable. The air blower uses a diaphragm pump driven by a magnetic motor. Therefore, this type of motor is much quieter than normal motors. Additionally, because the air blower is housed within a polythene enclosure rather than an external wooden enclosure, there is no sound amplification, in fact, a noise reduction is carried out. It is also worth considering that the old sewage treatment plant system used 2 x Air Blowers, whilst the proposed new one only has one. Given the additional information provided and that the applicant states the noise of the proposed air blower at 10.0 metres is undetectable and the closest neighbouring residential property is approximately 20m away, your officers do not have concerns with the noise impacts of the proposed development. Following the submission of the additional information the WODC Noise and Amenities Officer was re consulted and raised no objections. The proposed development is therefore not

considered to give rise to any nuisance noise issues which would harm the amenity of neighbouring properties.

5.25 The WODC Pollutions Officers has raised no objections to the development however, this is subject to a number of conditions. The first condition requested asks for the manufacturers specifications, commissioning report/certificate and maintenance schedule for the plant to be supplied to the LPA for approval prior to the full operation of the treatment plant. In addition, the condition requests for the applicant to provide a copy of the procedures in place to prevent overflow or discharge of untreated water in the event of failure of one or more elements of the sewage treatment plant. The second condition requested relates to the odour impacts of the development and requests that the applicants submit an odour management plan prior to the full operation of the sewage treatment plant. Subject to the requested conditions being applied to the consent, your officers are satisfied that the development would not give rise to any pollution or odour issues. It is also worth noting that the main reason for this development is to improve the existing malodour issues caused by the existing sewage treatment plant.

5.26 Subject to the conditions which have been requested by the WODC Pollutions Officer, your officers consider that the proposed development would not give rise to any neighbouring amenity issues and would accord with policies OS2, OS4 and EH8 of the WOLP.

## **Other Matters**

5.27 The Parish Council have objected to this application, raising concerns with how the sewage treatment plant would cope should the area flood and because the EA had not responded at the time their comments were submitted. The Environment Agency have since advised that given the scale of the development that they did not need to be consulted on the application but they did say it is very likely a permit would be required given the development includes discharging into the watercourse. Whether or not a permit would be required is not something that needs to be considered as part of this assessment as it falls under the control of other legislation/regulations. Your officers consulted with the WODC Drainage Officer, who also advised that the development did not fall within their remit. There is therefore no trigger from this development that would warrant specialist input from drainage engineers. Whilst your officers note the concerns raised by the Parish regarding flood risk, the application site falls within flood zone 1, an area with a low probability of flooding. Sewage treatment plants have built in safety features which prevent water ingress from the outlet pipes, the access hatches are also sealed shut and above ground level. In addition, given the scale of the development there would not be a material increase in flood risk. The proposed development is therefore not considered to give rise to any drainage or flood risk issues which would warrant the refusal of this application. The proposed development is therefore considered to comply with policy EH7 of the WOLP.

5.28 The proposal site lies in an area of archaeological interest and potential, in a field which contains the remains of Langford Shrunken Medieval village. OCC Archaeology have been consulted on this application, their initial comments raised no objections subject to conditions for a Written Scheme of Investigation and an archaeological watching brief, to be maintained during the period of construction. The applicant decided to submit a Written Scheme of Investigation as part of this application so OCC Archaeology were re consulted and have amended their conditions to ensure works are in accordance with the Written Scheme of Investigation submitted, that no development commences on site without the appointed archaeologist being present and that an archaeological watching brief is maintained. Subject to the conditions requested by the OCC

Archaeologist being applied to the consent, the development is not considered to harm any archaeological interest at the site.

5.29 In terms of ecology, the site is currently in agricultural use and considered to be of low ecological value. No trees or hedgerow are affected by the proposed development. No external lighting is proposed. There are no designated priority habitats recorded in the vicinity of the location. Therefore no material impact with regard to ecology has been identified.

## Conclusion

5.30 For the reasons outlined above, the scheme is considered to be appropriate in the proposed location and would not give rise to adverse impacts in terms of neighbouring amenity, heritage impacts, the visual amenity and character of the area, flood/drainage risks or ecological issues. The proposal is considered to comply with policies, OS1, OS2, OS4, E5, EH2, EH8, EH7 and E4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the NPPF. The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## 6 CONDITIONS

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

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

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

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

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

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

4. No development shall commence on site without the appointed archaeologist being present (other than in accordance with the agreed and submitted Written Scheme of Investigation 'The Bell Inn Archaeological Watching Brief Written Scheme of Investigation' John Moore Heritage Services 2023). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

5. Prior to the full operation of the sewage treatment plant (STP) an odour management plan (OMP) shall be submitted to the Local Planning Office for approval. The OMP shall detail

additional odour control measures which will be put in place during periods of elevated odour emissions, e.g. during hot weather, during tank cleaning, breakdown etc. The OMP shall include a complaints procedure and describe how the applicant will liaise with residents during such periods of elevated odour emissions.

REASON: To protect the amenity value of nearby residential properties, and to ensure elevated odour emissions are managed appropriately.

6. Prior to the full operation of the sewage treatment plant (STP), the manufacturer's specifications, commissioning report/certificate and maintenance schedule for the plant shall be supplied to the Local Planning Office for approval. In addition, the applicant shall provide a copy of the procedures in place to prevent overflow or discharge of untreated water in the event of failure of one or more elements of the STP.

REASON: To ensure the plant has been installed and is operated correctly prior to full operation, to protect the amenity for local residents, and to ensure procedures are in place to protect surface waters and land in the event of STP failure.

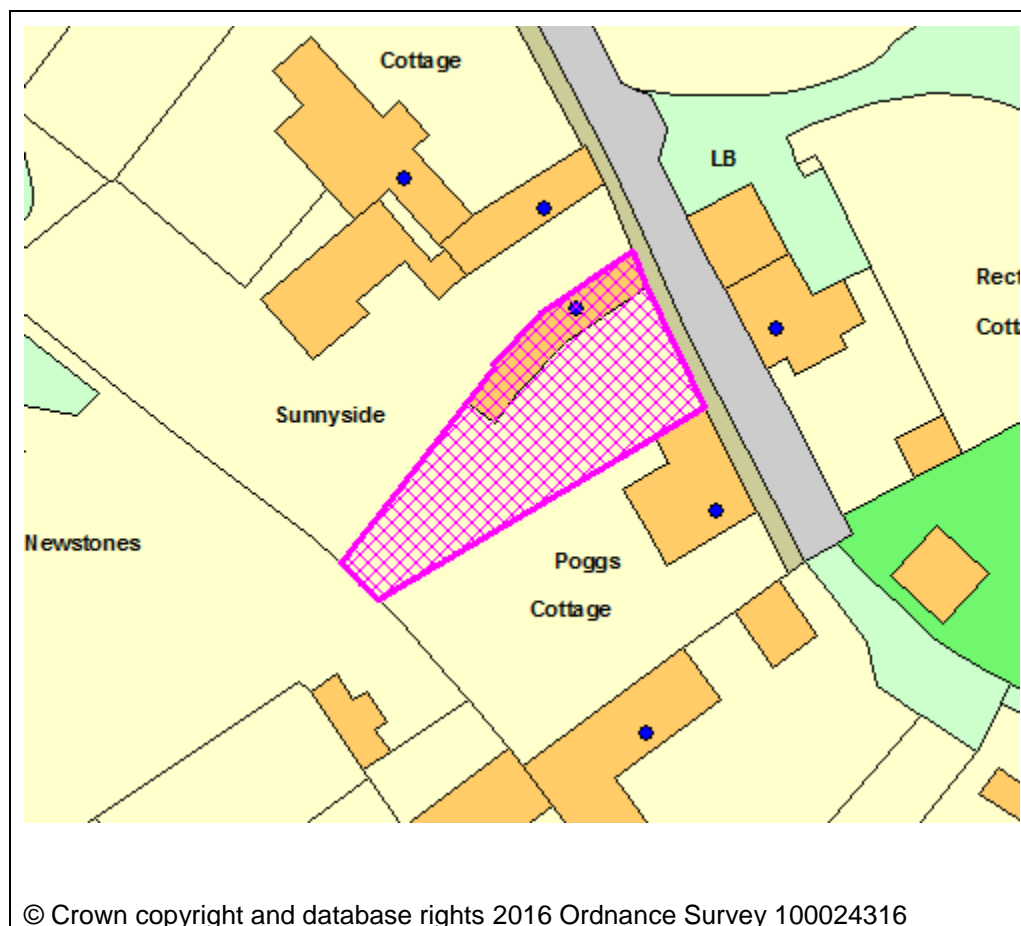
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 2nd August 2023

Application Number	23/00565/HHD
Site Address	Manor Farm Cottage Broughton Poggs Lechlade Oxfordshire GL7 3JH
Date	2nd August 2023
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423361 E 203848 N
Committee Date	14th August 2023

### Location Map



### Application Details:

Replacement fencing and gates (part-retrospective) (amended plans)



**Applicant Details:**

Ms Ruth Gibson  
Manor Farm Cottage  
Broughton Poggs  
Lechlade  
Oxfordshire  
GL7 3JH

**I CONSULTATIONS**

Conservation And Design  
Officer

19.04.2023

Regarding the front boundary, this is certainly an improvement, although the steel rope part is somewhat fussy. I think that if they omitted this, and had the rest at the same height as the taller stone wall, including the new gates, and also planted in front of the wall where there is sterile gravel, then this would be acceptable.

Regarding the side and rear fencing, the concrete posts remain obtrusive and very urban in feel. But I am not sure that they are refusable - particularly if planting softens it all.

Beginning with the CA and the setting, we note that this road is very characterful - it is relatively narrow, and fairly tightly defined by the walls of buildings, or by plain stone boundary walls, or planting - and all is of fairly clean and simple form. Boundary heights vary, but on average are probably around the height of the wattle fencing that used to be on this site.

With respect to the house, we note that this is a fine Grade II listed cottage, with coursed rubble walls, and with stone slated roofs. We also note that it is set gable end to the road - very characterful, and with the boundary in question immediately adjoining.

The harm is less than substantial in my view - but nonetheless still significant, and if we could get them to tweak down that front boundary, omit the steelwork and plant in front, then the boundary treatment would be more consistent with the adjoining simple and plain gable end of the cottage, and with the rest of the boundary treatments along this road.

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

Conservation And Design  
Officer

Re-consultation - 28.06.2023

I think they have done enough now.

Parish Council

Re-consultation - 04.07.2023

Objection

Filkins Parish are pleased to note the addition of planting to the new fencing. However, the proposal will probably mean that the existing dry stone wall to the front of the property will need to be modified and so the fence should be erected behind this, within the boundary of the property. The side elevation is not in keeping with the conservation area and the current boundary is protected by an adequate natural dry stone wall.

Parish Council

30.03.2023

Filkins PC Object for the following reasons:-

- a) Front Elevation - The retrospective proposal will probably mean additional modification to the existing listed/protected dry stone wall. We feel it would be better to erect the modified fence behind the existing dry stone wall, within the boundary of the property. However any change here will alter the look of the property and street.
- b) Side Elevation - The retrospective application makes no allowance for any change to the side elevation so to be in accord with the front elevation. We feel that currently the side elevation is not in keeping to a conservation area. The current boundary is protected by an adequate natural dry stone wall and should therefore be removed.

Newt Officer

As this is a retrospective application, I do not have any comments regarding the District Licence Scheme.

## **2 REPRESENTATIONS**

2.1 Two objection comments have been received from the same person which can be summarised as follows:

- The materials used and design of the fencing is not in keeping with the character and appearance of the conservation area, listed building and neighbouring properties
- The design of the fencing is detrimental to the visual amenity of neighbouring residents and the street view
- External lighting has been installed surrounding the parking area detrimental to the amenity of neighbouring residents and creating light pollution
- Vegetation has been removed which opens up the view of the fencing from neighbouring properties and the roadside

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a Heritage Statement as part of the application prepared by 'Heritage Matters.' In summary, the Heritage Statement concludes that the proposal would have a relatively neutral impact of change on the heritage significance of the Listed Building and is not judged to lead to less than substantial harm to the Listed Building.

3.2 The statement sets out that the proposed fence along the frontage will soon be covered by bushy plants but is assessed as being beneficial compared to 'pre-existing' condition where the fence posts were attached to the wall frontage with willow panels. The statement concludes that the works comply with all national and local heritage policies.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH16 Non designated heritage assets

CA5 Carterton sub-area strategy

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

5.1 The application relates to replacement boundary fencing and gates which have been erected within the curtilage of a Grade II Listed dwellinghouse known as 'Manor Farm Cottage' in the village of Broughton Poggs. The site lies in the Broughton Poggs and Filkins Conservation Area. To the south of the application site lies 'Poggs Cottage' and beyond this is 'The Coach House,' a Grade II Listed Building.

- 5.2 The application has been submitted as a result of enforcement investigations at the site. Some alterations have been made to the design throughout the course of this application and so the application is part-retrospective.
- 5.3 The proposed fencing is positioned along the boundary of the parking area to Manor Farm Cottage, the front boundary of the property adjacent to the roadside and along the rear side boundary with 'Poggs Cottage.' A new vehicle gateway is proposed at the entrance to the site into the dwelling parking area and a pedestrian gateway into the garden of the dwelling.
- 5.4 The application proposes to remove the existing fencing along the front boundary and replace this with willow panelling which will be fixed onto the top of the existing stone boundary wall using bolts and timber fencing posts. The total height of the wall and fencing will be 1.52m.
- 5.5 The fencing along the rear side elevation is proposed to be retained in its current form which consists of timber panelling and concrete posts fixed in concrete above the existing stone wall with stock wire fencing along the wall.
- 5.6 The fencing along the boundary with the parking area is also proposed to be retained which consists of a timber panel and trellis fence. The vehicular gateway consists of hardwood timber with metal strap hinges and is 1.6m in height to match the height of the pre-existing gates.
- 5.7 Climbing plants are proposed to screen all the proposed fencing.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of this application are:
- The Principle of Development;
  - The Impact on Heritage Assets and Design;
  - The Impact on Ecology and Biodiversity; and
  - The Impact on Residential Amenity.

### **Principle of Development**

- 5.9 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.
- 5.10 The development relates to boundary treatment within the curtilage of an existing dwellinghouse and so is considered to be acceptable in principle. In terms of other material considerations, policy OS2 of the Local Plan states that all development should form a logical compliment to the existing character of the area, conserve and enhance the historic and natural environment and not have a harmful impact on the amenity of existing occupants. Therefore, the development can be considered acceptable subject to meeting these requirements. Each is assessed in turn below.

## Impact on Heritage Assets and Design

- 5.11 Officers are required to take account of section 66 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. This is reflected in policy EH11 of the Local Plan.
- 5.12 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. This is reflected in policy EH10 of the Local Plan.
- 5.13 Policy OS4 also refers to high quality design where buildings and features of historic significance should be conserved or enhanced and new development should demonstrate high quality design by having regard to design advice in the West Oxfordshire Design Guide and Conservation Area Appraisals. Policy EH9 considers the historic environment more broadly and the tests for determining proposals that will or have the potential to affect heritage assets. This is reflected in paragraphs 199-208 of the National Planning Policy Framework (NPPF).
- 5.14 Turning to impact on the listed building and its setting, the Conservation Officer has been consulted and they consider that the house is of special character because of its coursed rubble walls, stone slated roofs and with its gable end set to the road. The front boundary in question immediately adjoins this. The height of the fencing and gateway matches the existing rubble stone wall to avoid detracting from this. The frontage fencing may result in some minor modification to the existing stone wall as it will be secured atop a section of the wall, but it is considered that this would detract less from the Listed Building than if a full panel was to be placed behind it within the boundary of the property. The design of the trellis is considered to be consistent with the adjoining simple and plain gable end of the cottage.
- 5.15 In terms of the side and rear fencing, the Conservation Officer considers this to be urban and obtrusive in nature. However, the fencing is replacing previous fencing rather than being entirely new boundary treatment. When assessed against this baseline, the harm is considered to amount to less than substantial harm to the character and appearance of the Listed Building and its setting. Further, for this reason, this is considered to be at the lower end of the less than substantial harm spectrum.
- 5.16 In terms of impact on the conservation area and its setting, the Conservation Officer considers this to be of special character because it is relatively narrow and fairly tightly defined by the walls of buildings, or by plain stone boundary walls or planting, and all of fairly clean and simple form. Boundary heights vary, but on average are around the height of the wattle fencing that used to be on the site. The height of the front boundary and gates have been reduced to the same height as the taller stone wall and the steel rope removed with planting to the front to be more consistent with the boundary treatment along the road. The Conservation Officer considers this to amount to less than substantial harm. As above, because the fencing is replacement fencing, this is considered to be at the lower end of the less than substantial harm spectrum. In accordance with paragraph 202 of the NPPF, this less than substantial harm to the character and appearance of the

Listed Building, Conservation Area and settings should be weighed against the public benefits of the proposal.

5.17 In terms of public benefits, Planning Practice Guidance (Paragraph 020 Reference ID: 18a-020-20190723) defines this as follows: ' Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.'

5.18 Planting is proposed to screen the boundary treatment and a Landscape Planting Plan has been submitted which includes details of plant species and maintenance. Officers consider that, overtime, this would have public benefits in terms of providing wider environmental benefits through the creation of new habitats and by helping to increase biodiversity in the surrounding area. Further, the fencing would also increase security at the site, perpetuating a reduced fear of crime in the surrounding area as a social public benefit. The use of professional tradesman to install the fencing will also create local job opportunities amounting to economic public benefits.

5.19 Therefore, Officers consider that the public benefits of the proposal outweigh the less than substantial harm to the character and appearance of the Listed Building, Conservation Area and their settings, and the development complies with policy EH9, EH10 and EH11 of the Local Plan and Section 16 of the NPPF.

### **The Impact on Ecology and Biodiversity**

5.19 There is a record of Great Crested Newts on or near to the site. The Newt Officer has been approached for comment and has no objection to the development. Biodiversity enhancements are provided in the form of additional planting in accordance with policy EH3.

### **The Impact on Residential Amenity**

5.20 In terms of residential amenity, policy OS4 of the Local Plan states that development should not harm the enjoyment of land and buildings including living conditions in residential properties. Officers have carefully considered the amenity impacts of the boundary treatment and due to its positioning in relation to neighbouring properties and that the fencing is a replacement of existing fencing, it is not considered that the boundary treatment would have a significant detrimental impact on the amenity of neighbouring residents by way of overbearing, loss of privacy, visual impact, or loss of sunlight and daylight.

5.21 In terms of the lighting mentioned in the third party comments and impact on amenity, this is not included as part of the application and so cannot be considered.

### **Conclusion**

5.22 In conclusion, the proposed development is considered to comply with policy OS2, OS4, EH9, EH10, EH11 and EH13 of the West Oxfordshire Local Plan (2011-2031) and Section 16 of the NPPF. The application is therefore recommended for approval subject to conditions.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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

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

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

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

3. That the height and design of the vehicular gates and frontage fencing, as annotated on drawings BP302B and BP305B, shall be altered within 3 months of this grant of planning permission and retained as such thereafter.

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

4. Within the next planting season following the date of this consent (i.e. November to March), the planting scheme as approved on drawing no. BP306 shall be carried out and thereafter be maintained in accordance with the approved scheme. In the event of any of the planting dying or being seriously damaged or destroyed within 5 years of the date of the decision, new planting of equivalent number and species shall be planted as a replacement and thereafter properly maintained.

REASON: To provide environmental public benefits in accordance with policy EH3 and EH9 of the West Oxfordshire Local Plan (2011-2031).

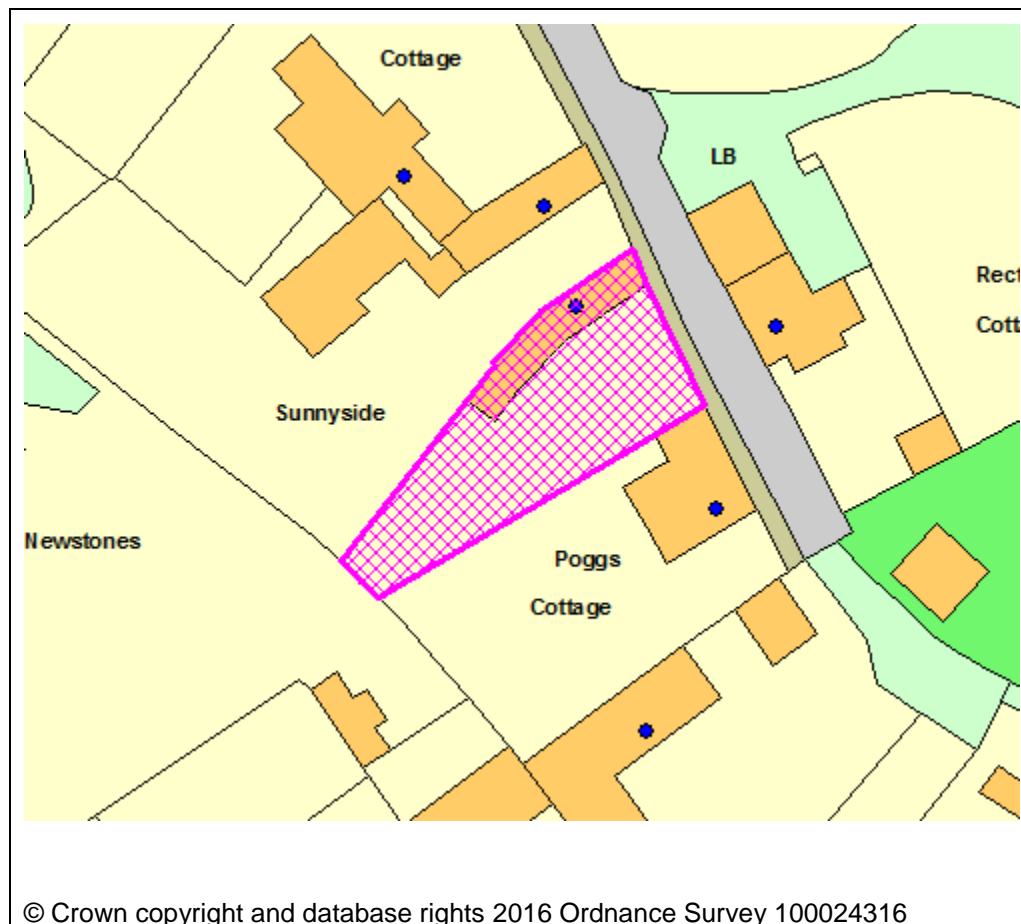
**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 2nd August 2023

Application Number	23/00566/LBC
Site Address	Manor Farm Cottage Broughton Poggs Lechlade Oxfordshire GL7 3JH
Date	2nd August 2023
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423361 E 203848 N
Committee Date	14th August 2023

### Location Map



### Application Details:

Replacement fencing and gates (part retrospective) (amended plans)



**Applicant Details:**

Ms Ruth Gibson  
Manor Farm Cottage  
Broughton Poggs  
Lechlade  
Oxfordshire  
GL7 3JH

**I CONSULTATIONS**

Conservation And Design  
Officer

Re-consultation - 28.06.2023

They have now done enough to remove the original objection.

Conservation And Design  
Officer

19.04.2023

Regarding the front boundary, this is certainly an improvement, although the steel rope part is somewhat fussy. I think that if they omitted this, and had the rest at the same height as the taller stone wall, including the new gates, and also planted in front of the wall where there is sterile gravel, then this would be acceptable.

Regarding the side and rear fencing, the concrete posts remain obtrusive and very urban in feel. But I am not sure that they are re-fusable - particularly if planting softens it all.

Beginning with the CA and the setting, we note that this road is very characterful - it is relatively narrow, and fairly tightly defined by the walls of buildings, or by plain stone boundary walls, or planting - and all is of fairly clean and simple form. Boundary heights vary, but on average are probably around the height of the wattle fencing that used to be on this site.

With respect to the house, we note that this is a fine Grade II listed cottage, with coursed rubble walls, and with stone slated roofs. We also note that it is set gable end to the road - very characterful, and with the boundary in question immediately adjoining.

The harm is less than substantial in my view - but nonetheless still significant, and if we could get them to tweak down that front boundary, omit the steelwork and plant in front, then the boundary treatment would be more consistent with the adjoining simple and plain gable end of the cottage, and with the rest of the boundary treatments along this road.

Historic England

Consultation not required.

## **2 REPRESENTATIONS**

2.1 Two objection comments have been received from the same person which can be summarised as follows:

- The materials used and design of the fencing is not in keeping with the character and appearance of the conservation area, listed building and neighbouring properties
- The design of the fencing is detrimental to the visual amenity of neighbouring residents and the street view
- External lighting has been installed surrounding the parking area detrimental to the amenity of neighbouring residents and creating light pollution
- Vegetation has been removed which opens up the view of the fencing from neighbouring properties and the roadside

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a Heritage Statement as part of the application prepared by 'Heritage Matters.' In summary, the Heritage Statement concludes that the proposal would have a relatively neutral impact of change on the heritage significance of the Listed Building and is not judged to lead to less than substantial harm to the Listed Building.

3.2 The statement sets out that the proposed fence along the frontage will soon be covered by bushy plants but is assessed as being beneficial compared to 'pre-existing' condition where the fence posts were attached to the wall frontage with willow panels. The statement concludes that the works comply with all national and local heritage policies

## **4 PLANNING POLICIES**

NPPF 2021

NPPF 2021

NPPF 2021

EH11 Listed Buildings

EH9 Historic environment

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

## **5. PLANNING ASSESSMENT**

5.1 These are proposals for the erection of replacement fencing and gates within the curtilage of a Listed Building that are deemed to affect the character of the building as a building of special interest. Works are also proposed to structures (dry stone walling) within the curtilage of the Listed Building and so Listed Building Consent is sought. The planning permission has been considered under application reference 23/00565/HHD. The Listed Building is known as 'Manor Farm Cottage' and is Grade II Listed. The application has been submitted as a result of enforcement investigations at the site. Amendments have been made to the design throughout the course of the application and so the application is part-retrospective.

5.2 Officers are required to take account of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent 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.

- 5.3 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.4 In this case the proposed external works include the erection of fencing and gates within the curtilage of the Listed Building which would involve minor works to the existing front dry stone boundary wall to affix willow panel fencing on top.
- 5.5 Turning to impact on the listed building and its setting, the Conservation Officer has been consulted and they consider that the house is of special character because of its coursed rubble walls, stone slated roofs and with its gable end set to the road. The front boundary in question immediately adjoins this. The height of the fencing and gateway matches the existing rubble stone wall to avoid detracting from this. The frontage fencing may result in some minor modification to the existing stone wall as it will be secured atop a section of the wall, but it is considered that this would detract less from the Listed Building than if a full panel was to be placed behind it within the boundary of the property. The design of the trellis is considered to be consistent with the adjoining simple and plain gable end of the cottage.
- 5.6 In terms of the side and rear fencing, the Conservation Officer considers this to be urban and obtrusive in nature. However, the fencing is replacing previous fencing rather than being entirely new boundary treatment. When assessed against this baseline, the harm is considered to amount to less than substantial harm to the character and appearance of the Listed Building and its setting. Further, for this reason, this is considered to be at the lower end of the less than substantial harm spectrum.
- 5.7 In terms of the side and rear fencing, the Conservation Officer considers this to be urban and obtrusive in nature. As set out above, the fencing is replacing previous fencing rather than being entirely new boundary treatment. When assessed against this baseline, the harm is considered to amount to less than substantial harm to the character and appearance of the Listed Building and its setting. Further, for this reason, this is considered to be at the lower end of the less than substantial harm spectrum.
- 5.8 In accordance with paragraph 202 of the NPPF, this less than substantial harm to the character and appearance of the Listed Building and its setting should be weighed against the public benefits of the proposal.
- 5.9 In terms of public benefits, Planning Practice Guidance (Paragraph 020 Reference ID: 18a-020-20190723) defines this as follows: ' Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed

development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.'

5.10 Planting is proposed to screen the boundary treatment and a Landscape Planting Plan has been submitted which includes details of plant species and maintenance. Officers consider that, overtime, this would have public benefits in terms of providing wider environmental benefits through the creation of new habitats and by helping to increase biodiversity in the surrounding area. Further, the fencing would also increase security at the site, perpetuating a reduced fear of crime in the surrounding area as a social public benefit. The use of professional tradespeople to install the fencing will also create local job opportunities amounting to economic public benefits.

5.11 Therefore, Officers consider that the public benefits of the proposal outweigh the less than substantial harm to the character and appearance of the Listed Building and its setting, and the development complies with Section 16 of the NPPF and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

## **Conclusion**

5.12 The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area.

5.13 Taking into account the above matters it is considered that the works proposed will preserve the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage assets will be sustained, in accordance with Section 16 of the NPPF and so the application is recommended for approval, subject to conditions.

## **6 CONDITIONS**

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

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

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

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

3. That the height and design of the vehicular gates and frontage fencing, as annotated on drawings BP302B and BP305B, shall be altered within 3 months of this grant of planning permission and retained as such thereafter.

REASON: To safeguard the character and appearance of the Listed Building.

**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 2nd August 2023

