

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 21st 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.

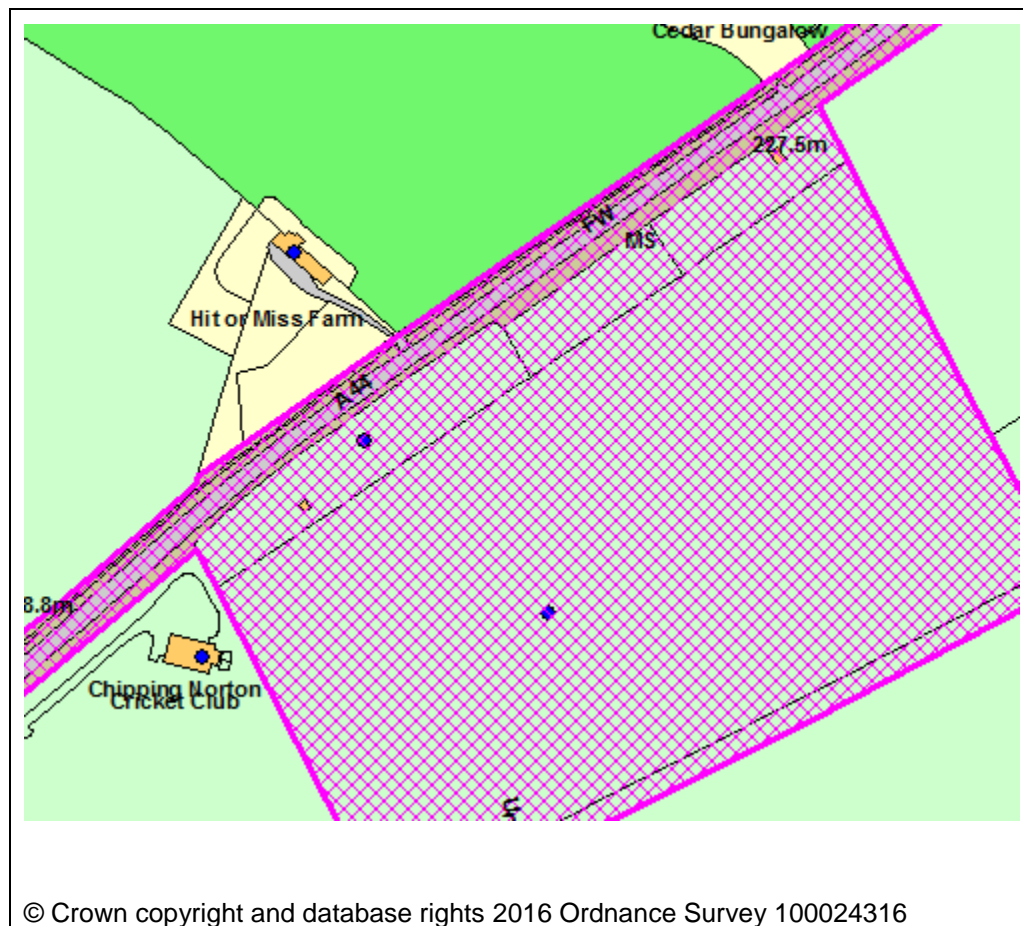
Please note that:

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>
11-44	23/00536/OUT	Land South Of Hit Or Miss Farm Banbury Road	Joan Desmond
45-76	23/01504/OUT	Land West Of London Lane	Joan Desmond

Application Number	23/00536/OUT
Site Address	Land South Of Hit Or Miss Farm Banbury Road Chipping Norton Oxfordshire
Date	9th August 2023
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	432417 E 227989 N
Committee Date	21st August 2023

### Location Map



### Application Details:

Outline planning application for up to 90 residential dwellings, including up to 40% affordable housing, creation of new vehicular access off Banbury Road and provision of public open space with associated landscape planting with associated infrastructure, drainage measures, earthworks and all other

associated works. All matters reserved except accessibility to the site, for vehicles in terms of the positioning and treatment of access to the site

**Applicant Details:**

Mr Grant Stevenson  
C/O Agent

UK

**I CONSULTATIONS**

Env Health - Uplands

No comment

Cotswolds Conservation Board

Having reviewed the additional information provided by the applicant, including the photomontages of the development in views from the CNL boundary on Banbury Road (both in summer and winter conditions), we wish to withdraw our previous holding objection. The photomontages provide a useful illustration to support EDP's conclusions within their LVA that the advance planting along the Banbury Road frontage, if supplemented by suitable replacement planting of the removed Ash trees adjacent to the highway, should help to retain the 'soft approach' to Chipping Norton in the medium to long term (years 5 to 15) and reduce the visual impact of the development, helping to conserve the landscape and scenic beauty of the adjacent National Landscape.

As such, noting that this is an outline application, we would wish to reiterate our previous comment that, without prejudice, should the Council be minded to approve the application, we recommend that any reserved matters application should pay particularly careful attention to the replacement and enhancement of tree planting and hedgerow along the roadside boundary to create a long-term screen to the development and maintain the distinctive soft, tree lined approach to Chipping Norton. Our remaining comments regarding landscape and visual impact and lighting also still stand.

Cotswolds Conservation Board

After having reviewed the information submitted by the applicant, the Board wishes to make a holding objection to this application and request a further assessment of the potential visual impact of the scheme upon the setting of the National Landscape, namely through the provision of a photomontage of the proposed development from photo viewpoint 1 of the applicant's Landscape and Visual Appraisal (LVA). The National Planning Policy Framework outlines at paragraph 176 how, as well as the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty of Areas of Outstanding Natural Beauty, development within the setting of AONBs "should be sensitively located and designed to avoid and minimise adverse impacts on the designated

areas".

We consider that provision of this additional information is appropriate as this proposal is for a major residential development directly opposite the boundary of a nationally-designated landscape and the site's context has recently changed compared to that shown in the LVA due to the removal of many of the Ash trees along the site frontage. This will allow the Board to come to a conclusion as to whether or not we agree with the applicant's assessment of the scale of effect and impact upon the landscape and scenic beauty of the National Landscape.

Adjacent Parish Council

No Comment Received.

Parish Council

Objection - Councillors would like to thank Rainier for taking the time to meet and discuss with them, and for addressing and amending plans based on their comments.

Councillors note that this outline planning application for 90 residential dwellings only encompasses a small portion of the land Rainier owns, which will likely be developed at a later point.

Councillors stressed the need for a strategic development plan for the entirety of the land to address the pressure on already stressed infrastructure – including increased healthcare provision, water and sewage infrastructure upgrades, parking, and sports facilities.

This proposed new development effectively draws a new residential boundary for Chipping Norton past the Cricket Club on Banbury Road. Considering the distance between the proposed development and the town centre and amenities including schools and shopping, Councillors discussed the need for pedestrian and cycling infrastructure linking this development to the current town and Strategic Development Area.

Potential S106 requests at this point would include but are not limited to: Contributions to walking and cycling infrastructure, contributions towards the provision of additional healthcare services, contributions towards additional required provisions of childcare and education, identification of additional facilities for sports and play facilities. Specific S106 requests will be submitted as part of the full planning application consultation.

Major Planning Applications Team

Archaeology - The site is located in an area of considerable archaeological potential, particularly for the Roman period. In accordance with the National Planning Policy Framework (NPPF 2021, paragraph 194), we would therefore recommend that, prior to the determination of any planning application for this site the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision

can be taken.

Transport - No objection subject to:

- S106 Contributions
- An obligation to enter into a S278 agreement as detailed below.
- Planning Conditions

LLFA - Objection - Phasing plan required

Education - No objection subject to S106 contributions.

Waste Management - No objection subject to S106 contribution.

Landscape/Green Infrastructure - The District Council Landscape Officer should be consulted on the application.

Conservation And Design  
Officer

No Comment Received.

WODC - Arts

No Comment Received.

WODC - Sports

The Council seeks to secure, by way of planning obligations off site contributions for:

- a) Outdoor pitch provision and ancillary facilities of £161,100 towards enhancements and improvements to sports facilities within the catchment area.
- b) Sport hall/ studio provision of £43,997 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
- c) Swimming pool provision of £48,647 towards the cost of an enhancement or improvement to pools in the catchment area.

Figures are index-linked to third quarter 2022 using the BCIS All in Tender Price Index published by RICS.

Sport England South East

The site is adjacent to Chipping Norton Cricket Club and therefore Sport England is conscious of the possible impact of ball strike on the new dwellings/residents. We were pleased to receive a ball strike assessment form the applicant. We have shared Labosport report with English Cricket Board (ECB). The following are their comments:

The ECB recently visited Chipping Norton CC and now has a better 'sense' of the overall environment on and around this cricket club. On the basis that the applicant follows and adopts the

recommendations within the Labosport Risk Assessment (page 11, alternative solution; a buffer zone of c24m), the ECB has no objection. Noting the consultation process detailed, the ECB would also recommend that some form of offsite mitigation be provided to support the club's infrastructure.

We note paragraph 6.35 in the planning statement, that the developer is proposing not to implement the ball strike netting but rather provide the buffer zone between the cricket and the housing as per the recommendation on page 11 of the Labosport report. I also note the buffer zone is greater than the recommend by Labosport.

We would also encourage WODC to consider that part of the contribution for Community Facilities identified in the Draft Heads of Terms is awarded to the cricket club.

Conclusion and recommendation.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that the proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

This being the case, Sport England does not wish to raise an objection to this application.

District Ecologist

Acceptable subject to conditions.

ERS Air Quality

I have the a number of queries regarding the air quality document submitted with the application. In the light of the queries, I currently object to the application on the grounds of air quality, particularly in the absence of cumulative effects with the ECNSDA.

ERS Contamination

Mr ERS Pollution Consultation The report details the findings of a desk based study and site walk over, the consultants recommend that an intrusive investigation is completed to confirm the findings of the desk based study. Given that investigation works are recommended please consider adding appropriate conditions to any grant of permission.

Env Health - Uplands

Mr ERS Pollution Consultation No objection to the proposal. When a FULL application is submitted I will be asking for the recommendations contained in the submitted noise report to be conditioned in any approval.

WODC Housing Enabler

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 319 applicants shown above, there are a further 2182 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

The application proposes that the mix and tenure of the affordable homes is agreed through the planning process. For reasons of affordability, I request that affordable homes for rental are provided as Social Rent tenure. I also request that First Homes are included in the affordable mix.

I further request that, for the rental affordable homes, it is agreed that rents are capped at the relevant Local Housing Allowance for the Chipping Norton area.

Of the 319 applicants shown above, 29 have indicated a need for ground floor accommodation or accommodation with lift access. I therefore request that this information is taken in to account in the design of the affordable homes.

Policy H4 of the Local Plan includes a requirement (applicable to affordable and market housing) for the provision of homes designed to requirements of Building Regulations M4(2) and M4(3). I request that a layout is provided identifying plots designed to these standards.

WODC Landscape And Forestry Officer

As set out above, the proposal represents a site wide change of landscape character that would cause landscape and visual implications beyond the boundaries. In this instance, it is considered that this change would not cause undue landscape and visual change to the receiving landscape.

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues should be taken into consideration.

Oxford Clinical Commissioning Group NHS

This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Chipping Norton Health Centre surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. A contribution of £77,760.00 is requested.

WODC Planning Policy Manager

The District Council acknowledges that it is currently unable to demonstrate a 5-year supply of deliverable housing land and the 'tilted balance' of the NPPF is engaged, whereby there is a presumption that



planning permission will be granted.

Furthermore, as set out in the comments above, there have been delays in bringing forward a number of the larger local plan housing allocations and the housing requirement of the plan 'steps up' significantly from 2023/24 onwards. As such, it is quite reasonable to argue that the provision of 80 dwellings in this location would make a helpful contribution towards meeting the identified overall and sub-area housing requirements.

However, the site does not adjoin the built up areas and thus the provisions of Policy H2 relating to residential development in the open countryside apply. As outlined above, the application proposal does not accord with any of these provisions.

The key issue therefore is whether the current application of the tilted balance is such that the harms identified by those responding to this proposal 'significantly and demonstrably' outweigh the benefits. The key benefits include the provision of additional housing to help meet the Council's five year and overall housing land supply, affordable housing, the provision of a range of elements of green infrastructure and the economic benefits development would bring. The potential harms, in part linked to the site lying beyond the built-up area of the town, include: the impact on landscape and character; the distance from many of the town's services and facilities, resulting in the use of the private car (with a range of adverse implications, including air quality); and the implications for local infrastructure, including the water network.

Designing Out Crime Officer

I have some concerns with the proposed layout in terms of opportunities for crime and antisocial behaviour to occur, and therefore am unable to support this application in its current form. I appreciate this project is at an early stage, however I was somewhat disappointed to see that crime prevention and community safety is not a significant consideration in documents at this point. I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. I also ask that suitable amendments are made to outline plans prior to permission being granted.

I strongly encourage the applicant to consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme.

Thames Water

Waste Comments

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

been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason – Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. important that the Local Planning Authority.
- 4.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

#### Water Comments

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

Parish Council

In response to the amendments to the outline planning application for 23/00536/OUT, Chipping Norton Town Council has the following comments:

Members thanked the applicant for listening to previous feedback and comments from CNTC and making amendments to the proposed

designs and access points for pedestrian footpaths cycleways, and access toward London road. These amendments are very much welcomed.

Members also remarked after reading the comments in support of the development noting that most cited the importance of the inclusion of affordable housing and infrastructure at the site. CNTC agrees with the comments from residents and would like to request that Grampian conditions regarding water and waste infrastructure are applied to the site

District Ecologist

No Comment Received.

ERS Air Quality

I have reviewed the revised air quality assessment and have no further objection to the application, subject to the following condition:

A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The CEMP shall: identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light spill/glare; provide details of the hours of operation; and, detail waste manage arrangements. The plan shall cover all aspects of the works, including site set up, site preparation, ground-work and construction phases of the development. It shall also include measures to manage heavy/large goods vehicle access to the site and measures to be employed to prevent the egress of mud, water and other detritus onto public and any non-adopted roads.

Reason: To protect the amenity local residents & visitors, and ensure the safety of road users.

Adjacent Parish Council

No Comment Received.

OCC Archaeological Services

No Comment Received.

Major Planning Applications  
Team

Transport - As previous comments.

Public Health - No objection

LLFA - No objection subject to conditions

Archaeology - As previous comments.

## ERS Contamination

I have looked at the letter dated 12th May 2023 in relation to contaminated land and potential risk to human health. In general the response to the question raised in my email dated 3rd April 2023 is considered to be sufficient.

The conditions requested in my email dated 3rd April remain applicable.

## ERS Air Quality

To remove my original objection, I would appreciate a response to the outstanding items queried below:

Item 1. I do not agree that the absence of a planning application for the ECNSDA is a reason for not including this development in the air quality assessment, as the location, proposed number of houses and access points are known. However, I have further reviewed the AQA and appreciate the application being considered will not significantly increase the numbers of vehicles passing through the AQMA and, as the assessment stands, accept there is likely to be a negligible effect on the air quality.

I welcome the willingness to include measures to encourage sustainable transport, and recommend any measures proposed are considered alongside the Local Cycling and Walking Infrastructure Plan currently being compiled by Oxfordshire County Council.

Item 3. Please note this item was a more of a comment, as parking is not a matter considered with regard to air quality. However, I do have one query regarding the explanation provided. It states that 39 vehicles are predicted to travel south on Albion Street (not Road). 82 vehicles are predicted to travel south on West Street (B4026), which then split into 62 down Burford Road (A361) and 20 continue down West Street (B4450). This doesn't take into account the 39 travelling south down Albion Street - where do these vehicle go? Having re-calculated I have realised I missed out the 14 vehicles travelling east along London Road (A44).

Consequently, the only vehicles not accounted for are those travelling south on Albion Street.

On a minor note - the initial split of the 209 vehicles travelling from the site, 156 down Banbury Road and 54 down Banbury Rd Crossing, adds up to 210.

Item 4. The IAQM Guidance on the assessment of dust from demolition and construction Version 1.1, states a dust assessment should be conducted if there are sensitive receptors within 350m of the boundary of the site, regardless of the size of the development. There are numerous residential properties within this distance from the site boundary, hence my request for an assessment of dust from the construction of the development stands. This will inform the Construction Environmental

Management Plan which will be required for the construction phase. The typo on the combustion plant has not been rectified.

Item 9. I accept the explanation provided in the report for the high predicted NO<sub>2</sub> concentration.

Item 11. The response does not explain why the rural profile was chosen in the first place. I would also like to see confirmation that an urban profile would not significantly change the outcome of the assessment, particularly in the AQMA.

## **2 REPRESENTATIONS**

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

2.2 Four Letters of objection and comment:

- Lies outside the Strategic Development Area. Therefore it is not appropriate unless an equivalent amount of land that is in the proposed SDA is permanently released back to farmland.
- The proposal will also further overload the Banbury Road from a traffic perspective and increase the burden on the towns already stretched facilities.(Schools,NHS etc).
- Change of character to the rural approach to the town along the Banbury Road, giving a more urban appearance.
- There is no public transport provision along the Banbury Road which would result in increased car usage thus adding to the existing parking problems in the town centre.
- No need for development given SDA
- Ribbon development along the Banbury Road
- Damage to local ecology

2.3 32 letters of support:

- Acceptable impact on the cricket club
- More housing is needed
- This new development needs to be completed in a tasteful way and integrated into the community. But it will bring more business and will also bring in more diversity
- Need more affordable housing to help the younger generation to get onto the property ladder & purchase a home so they are not being forced to leave their local area
- Ecology benefits
- Support new housing but needs supporting local infrastructure

### 3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 is clear in requiring that planning applications should only be approved where they accord with the Development Plan, unless material considerations indicate otherwise.

The town benefits from a range of local services and facilities. The proposal relates well to the current built extent of the settlement and the scheme design will increase opportunities for connectivity.

Consultation has been undertaken with the local community in respect of the proposals as set out in the accompanying Statement of Community Engagement.

The range of studies that have been undertaken to support this planning application are summarised in Section 6 of this Statement and the accompanying reports. These demonstrate that a high quality of layout and design will be provided at the site, and that there are no environmental technical or other reasons why planning permission should not be granted in this case.

#### Sustainable Development

The proposals represent a sustainable development well related to the existing settlement and as such should be granted permission. Below the applicant sets out how the scheme complies with each of the three objectives of sustainable development, as defined within the NPPF.

#### Economic

Housing development is a key component of economic growth. The proposed development represents an efficient use of a sustainable site and land that is adjacent to the existing settlement of Chipping Norton. Chipping Norton is a sustainable location for development and is a town identified as a 'main service centre' in the adopted Local Plan. The provision of such housing will contribute positively to the local economy, through the provision of construction jobs in the short-term and providing local employees and additional council tax revenues in the longer-term. The development will also generate income through the New Homes Bonus and S106 contributions which is a positive economic benefit.

#### Social

The application proposes up to 90 new homes, 40% of which will be affordable (in line with the NPPF's definition of such). The proposals will provide a mix of dwelling types and sizes, and there is an identified need for a mix of housing including affordable housing in the District. The proposals will clearly meet the social element of sustainable development, as they will help to address the housing needs of present and future generations. The social and health benefits arising from the inclusion of publicly accessible high-quality open space and green infrastructure which will provide amenity benefits to both existing and future residents.

The proposals draw upon 20-minute neighbourhood principles, ensuring people can meet their everyday needs within a short walk or cycle, and has multiple benefits. These benefits include

tackling climate change, improving people's health and wellbeing, increasing social connections in communities and boosting the local economy.

The proposals make effective use of the site, with residential development located and linked to adjacent existing built form, ensuring the development delivers housing in a location that is both sustainable as well as reducing the reliance on car ownership.

Substantial areas of public open space have been incorporated into the proposals, improving biodiversity and encouraging opportunities for social and community cohesion. A mix of house types, tenures and sizes are proposed, limiting social exclusion and ensuring the creation of a truly varied and mixed community.

#### Environmental

The proposals include for the provision of new areas of accessible open-space, areas for ecological enhancement, SuDs and other green infrastructure. A wide range of ecology surveys have been undertaken and these confirm that it will be possible to develop the site. A net gain in biodiversity will also be achieved.

The scheme demonstrates a provision of 3.31 ha of accessible public open space has been provided.

#### The Planning Balance

The applicant maintains that the proposal provides the opportunity to deliver a high quality residential scheme, which will meet a pressing need for market and affordable housing, and which is in a sustainable location. The proposal shall facilitate considerable benefits for new and existing residents, and for the settlement as a whole. Overall, the proposals are considered to comprise sustainable development that complies with the policies of the Framework and those parts of the Development Plan which are relevant.

The Council are currently unable to demonstrate a five year housing land supply as confirmed through recent appeal decisions and these proposals would help to address this shortfall. Whilst there is a Neighbourhood Plan in place, it is more than 2 years old and as such the provisions of paragraph 14 of the NPPF will not be met.

Accordingly, it is maintained that the proposed development represents sustainable development and should be deemed acceptable. We would respectfully ask that the LPA gives full consideration to the proposals contained therein and works with the applicant to grant outline planning permission.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling  
EH1 Cotswolds AONB  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH4 Public realm and green infrastructure  
EH5 Sport, recreation and childrens play  
EH6 Decentralised and renewable or low carbo  
EH7 Flood risk  
EH8 Environmental protection  
EH9 Historic environment  
EH13 Historic landscape character  
CN2 Chipping Norton sub-area Strategy  
CHIPNP Chipping Norton Neighbourhood Plan  
NPPF 2021  
DESGUI West Oxfordshire Design Guide  
NATDES National Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is an outline planning application for up to 90 residential dwellings, including up to 40% affordable housing, creation of new vehicular access off Banbury Road and provision of public open space with associated landscape planting with associated infrastructure, drainage measures, earthworks and all other associated works. All matters are reserved.
- 5.2 The site is an undeveloped, greenfield plot located to the north-east of Chipping Norton, immediately adjacent to Chipping Norton Cricket Club to the south of Banbury Road. The very southern tip of the site touches the northern extremity of the proposed East Chipping Norton SDA which is allocated for the provision of 1,200 new homes and 5 ha of business land in the West Oxfordshire Local Plan. The site measures 5.40ha in area.
- 5.3 The site does not fall within the Cotswold AONB but it does lie immediately to the North of the site.
- 5.4 Pre-application advice was provided in 2022 relating to a similar proposed form of development for up to 89 dwellings.
- 5.5 A Screening opinion (23/00676/SCREEN) was issued in April 2023 advising that the development was not EIA development.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Layout, design and scale
  - Impact on Landscape/Setting of Cotswolds National Landscape (AONB)
  - Impact on Heritage Assets
  - Affordable Housing
  - Accessibility/Highway Issues



- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise/Air Quality
- Trees/Biodiversity
- Sustainability/Climate Change
- S106 Contributions

## **The principle of the development**

### The Development Plan

5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

5.8 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

5.9 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.
- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.10 The application site is considered to be undeveloped land which does not adjoin the built up area and as such is viewed as being in open countryside, where new dwellings are only permitted where they comply with the general principles set out in Policy OS2 and in certain circumstances including where there is an essential operational or other specific local need that cannot be met in any other way.

5.11 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;

- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

5.12 The Chipping Norton Neighbourhood Plan (NP) partly covers the site at its western end. The NP supports the reuse of brownfield land

#### National Policy/Guidance

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:

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

5.15 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, although recent appeal decisions suggest that this is lower. Notwithstanding the figure, the provisions of paragraph 11(d) of the NPPF is engaged in any case.

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. These issues are considered in more detail below.

## Layout/Design/Scale

- 5.18 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.19 A revised Land Use and Amount Parameter plan and illustrative masterplan have been submitted. The Land Use and Amount Parameter Plan indicates a development zone within which up to 90 dwellings would be provided (2.37 ha). This zone lies principally in the central and western part of the site with a landscape buffer area around the perimeters with open space and woodland planting area to the east. 55% of the site is to be open space. Attenuation basins are proposed to the south east as part of the proposed drainage strategy. An indicative access route is proposed off the Banbury Road (A44). The illustrative masterplan indicates a new pedestrian/cycle access onto the Banbury Road to the west. The revised Land Use and Amount Parameter Plan seeks to address concerns relating to inadequate provision of space for equipped/designated play areas and Community Growing space. The areas have been increased to accord with required standards. An area (0.05ha) for children and youth combined natural play space and Community Gardening Space (0.06ha) is to be provided to the east of the proposed housing. The dwellings heights are annotated to be a maximum height of two storeys. The updated Design and Access Statement indicates medium (35 dph) and high (40 dph) densities. Medium density housing is indicated along the perimeters of the development to the west, south and east and higher density is proposed near the site entrance and along the Banbury Road frontage and surrounding the central green space.
- 5.20 The site is adjacent to Chipping Norton Cricket Club and therefore Sport England is conscious of the possible impact of ball strike on the new dwellings/residents. A ball strike assessment has been submitted and Sports England and the English Cricket Board (ECB) has no objection subject to adoption of the recommendations in respect of providing an appropriate buffer zone (c24m). The revised Land Use and Amount Plan indicates the minimum 24m offset from the cricket club boundary.
- 5.21 The Thames Valley Police Crime Prevention Design Advisor has some concerns with the proposed layout in terms of opportunities for crime and antisocial behaviour to occur. The updated DAS seeks to respond to these concerns and sets out a number of design principles in order to ensure that safe spaces that limit the opportunities for crime and the fear of crime are created. These are based on Secured by Design (SBD) and Crime Prevention through Environmental Design (CPTED) principles. Officers are content that the site would be able to accommodate the quantum of development proposed and that Secured By Design principles can be considered as part of a subsequent Reserved Matters application.
- 5.22 Policy OS2 of the Local Plan seeks to respect the intrinsic character of the area and seeks to ensure that development forms a logical complement to the existing scale and pattern of development and/or character of the area. The Chipping Norton NP recognises that the town has a highly attractive landscape setting and Policy MP7 seeks to protect and where possible

enhance the high quality landscape setting of the town. This proposal would extend development into the open countryside, along the Banbury Road and would fail to form a logical complement to the existing pattern of development and/or the character of the area and would fail to protect or enhance the local landscape and setting of the town, in conflict with Development Plan policies and advice in the NPPF.

### **Impact on Landscape/Setting of Cotswolds National Landscape (AONB)**

5.23 The main body of the site is located within Landscape Character Area (LCA) 3: Enstone Uplands and Landscape Character Type (LCT): Semi-Enclosed Limestone Wolds of the West Oxfordshire Landscape Character Assessment (1998). This published Landscape Character Assessment provides a number of prevailing key characteristics that are present within this LCT. These are reproduced below:

- Large-scale, smoothly rolling farmland occupying the limestone plateau and dip slope;
- Land use dominated by intensive arable cultivation with only occasional pasture;
- Generally large-scale fields with rectilinear boundaries formed by dry-stone walls and low hawthorn hedges with occasional trees, typical of later enclosures;
- Some visual containment provided by large blocks and belts of woodland creating a semi-enclosed character;
- Thin, well-drained calcareous soils and sparse natural vegetation cover and a somewhat impoverished 'upland' character;
- Ash, hazel, field maple etc. conspicuous in hedgerows;
- Distinctive elevated and expansive character in higher areas, with dominant sky; and
- Moderate intervisibility.

The prevailing character of the site aligns with a number of the above characteristics. The site also falls outside, but within the setting of the Cotswolds AONB.

5.24 The site is predominantly characterised as a hedgerow and tree bound agricultural field. A narrow section of land is separated from the field and is present along the northern boundary of the site. This smaller area has a more varied character with some overgrown and mowed areas, examples of dumping and a caravan present. There is no development within the parcel. All the site boundaries are comprised of vegetation to varying extents. The site occupies an elevated plateau that sits above the surrounding landscape. Beyond the plateau, the landform drops away before rising again which creates relatively narrow valleys within the local landscape

5.25 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that the site is well located at the recent settlement edge and is within an area of low visibility, resulting primarily from the surrounding enclosing vegetation. From this starting point, the LVA process informed and reviewed the emerging masterplan for the proposed development. This assessment demonstrates the extent to which the sensitive layout and strategic planting proposed in the masterplan would mitigate views, substantially retain and reinforce the characteristic landscape fabric and pattern, and assimilate the proposed development into the settlement and rural landscape of the site context east of Chipping Norton. In addition, this LVA shows how the proposed development would make a positive contribution to recreational, visual, and wildlife amenity. Accordingly, this LVA concludes that the site has the capacity for the development as proposed on the masterplan, and that there is no 'in principle' or landscape or visual reason why the site should not be developed. In terms of its impact on the Cotswolds AONB (now known as the Cotswolds National Landscape) and its Setting it finds that the level of effect of the proposals on the Cotswolds AONB and its setting would not constitute a reason for refusal. This is largely

due to the limited visibility to the site from within the AONB, owing to the wooded nature of the AONB adjacent to the site, and the limited visibility to the AONB across the site and context due to the layering effect of vegetation in this plateau landscape. In addition, the AONB is urbanised, to some extent, so reducing the scale of change resulting from the proposals.

#### 5.26 The Council's Landscape Consultant (LC) has commented as follows:

Impact on Public Visual Amenity - Field survey has confirmed that the visual envelope of the site is generally limited to the local area by intervening features such as vegetation and built form. Visual change within the site would be represented by the introduction of built form across the site area. This change could be appreciated from public viewpoints. Multiple layers of intervening vegetation exist in the landscape that filters views into the site. If built a landscape framework similar to what has been submitted is likely to further limit the appreciation of visual change. The most prevalent views are from Burford Road to the north. It is proposed that development will be set back from this boundary with the intervening vegetation retained.

Impact on the Character of the Landscape - It is considered that the introduction of the proposed quantum of development and its associated infrastructure is likely to be achievable without substantial negative landscape change. The setting back of development from the edges and enhancement of vegetative boundary features reinforces an aim of the character area. The provision of publicly accessible open space and new woodland planting also increases the Green Infrastructure value of the site.

Impact on setting of the Cotswolds AONB - Having given consideration to the Special Qualities of the AONB as set out by the Cotswolds Conservation Board (CCB) it is considered that given the existing context within and around the site the proposal is unlikely to unduly impact on these special qualities.

In terms of other Landscape and Visual Considerations, the LC notes:

- The introduction of built form to the site would remove the open character of the field and introduce further development onto the historically undeveloped plateau to the north east of Chipping Norton. The presence of the neighbouring and recently developed settlement edge to the south west does not alone justify further encroachment into the rural landscape;
- Visually the site is well contained by layers of vegetation within the landscape. Visual receptors who would experience the most change are neighbouring pedestrians and motorists. The appearance of residential development in this location would not be incongruent given the existing context within the area;
- No detracting features that aren't easily rectified (i.e. dumping/fly-tipping) are present that represent harm to the sites rural baseline landscape character;
- The published landscape character assessment is highlighted above (West Oxfordshire Landscape Character Assessment, 1998). At a site specific scale the site shares a number of key features highlighted within the study. The proposed development is likely to accord with these characteristics due to what is being proposed and the existing context of the local area;
- If permitted, footpath provision should be provided to the neighbouring allocated land.

This would increase permeability within the area and link Green Infrastructure resources.

#### 5.27 The Cotswolds Conservation Board (now known as the Cotswolds National Landscape Board) has raised a holding objection to this application and request a further assessment of the potential visual impact of the scheme upon the setting of the National Landscape, namely through the

provision of a photomontage of the proposed development from Banbury Road (photoviewpoint 1 of the LVA). If permission is granted the CNLB recommend that any reserved matters application should pay particularly careful attention to the replacement and enhancement of tree planting and hedgerow along the roadside boundary to create a long-term screen to the development and maintain the distinctive soft, tree lined approach to Chipping Norton and a conditions relating to external lighting.

5.28 A Landscape Technical Note has been submitted including a photomontage of the proposed development from photo viewpoint 1. The Note concludes that the findings of the LVA are supported by the verified views and do not need to be revised as a result of these illustrations. Accordingly, the conclusions of the LVA remain unchanged: that the site has the capacity for the development as proposed on the masterplan, and that there is no 'in principle' or landscape or visual reason why the site should not be developed. Having reviewed the additional information the CNLB withdraw their previous holding objection on the grounds that the photomontages provide a useful illustration to support EDP's conclusions within their LVA that the advance planting along the Banbury Road frontage, if supplemented by suitable replacement planting of the removed Ash trees adjacent to the highway, should help to retain the 'soft approach' to Chipping Norton in the medium to long term (years 5 to 15) and reduce the visual impact of the development, helping to conserve the landscape and scenic beauty of the adjacent National Landscape.

5.29 In conclusion, the proposed development would encroach into the rural landscape and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural appearance and character of the landscape, although, it is recognised that in the longer term, its impact could be mitigated through appropriate landscaping to reduce its visual impact. Nevertheless, the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

### **Impact on heritage assets**

5.30 There are no nationally designated heritage assets located within the site. However, there is a Scheduled Monument (Over Norton bowl barrow 150m north west of the intersection between the A361 and the A34(T)) located approximately 200m northeast of the site. There are 2 listed buildings located in proximity to the site, Grade II listed Chapel House and attached Cottage (0.3km east) and Grade II listed Gate Piers (0.3 km west of the site), however both of these buildings are separated from the site by intervening development.

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

5.32 The submitted Archaeology and Heritage Statement concludes that the proposed development of the site would not give rise to any loss of significance from any designated heritage assets which are located within its wider surroundings.

5.33 In terms of archaeology, the site is located in an area of considerable archaeological potential, particularly for the Roman period. Whilst a geophysical survey has been carried out on the site, the County Archaeological Officer has requested the need for an archaeological evaluation in order to provide information on the date and level of survival of features recorded as well as to test whether further features survive that were not identified by the survey. Such an evaluation has now been carried out and the comments of the County Archaeological Officer are awaited. Members will be updated at Committee.

### **Affordable Housing**

5.34 Adopted Policy H3 of the Local Plan requires sites within the identified 'Medium Zone' to provide 40% affordable housing on sites of 11 or more dwellings. The proposed development of up to 90 dwellings would provide 40% affordable housing, equivalent to up to 36 dwellings.

5.35 The Council's Housing Enabling Officer has advised that affordable Housing provided on this development could make an important contribution to local housing need. The application proposes that the mix and tenure of the affordable homes is agreed through the planning process. For reasons of affordability, it is requested that affordable homes for rental are provided as Social Rent tenure. First Homes should also be included in the affordable mix. For the rental affordable homes, it should be agreed that rents are capped at the relevant Local Housing Allowance for the Chipping Norton area. Many of the applicants have indicated a need for ground floor accommodation or accommodation with lift access and it is requested that this information is taken in to account in the design of the affordable homes. Policy H4 of the Local Plan includes a requirement (applicable to affordable and market housing) for the provision of homes designed to requirements of Building Regulations M4(2) and M4(3). The detailed layout should be provided identifying plots designed to these standards. These recommendations could be secured via a S106 agreement/reserved matters stage.

### **Accessibility/Highway Issues**

5.36 Whilst the submitted application form indicates that all matters are reserved, details have been submitted in relation to access into the site. The submitted Transport Assessment (TA) details the proposed access strategy as follows:

'Vehicular access to the site will be achieved via the construction of a new priority T-junction (with ghost island right-turn lane) with Banbury Road, around 290m southwest of the junction with the A361 / A3400. The junction includes the following:

- Widening of the existing carriageway (on the southern side of Banbury Road) to provide 3.5m wide through lanes on Banbury Road and a 3.5m wide ghost island right-turn lane (deceleration length of 80m);
- Site access road of 6m width (it is envisaged that this would be reduced to 5.5m width within the development), 2m wide footways on both sides with dropped kerbs / tactile paving to facilitate crossing movements of the junction bellmouth;
- Provision of 15m corner radii and corner taper of 1:10, over a distance of 25m; and

- Visibility splays of 2.4m x 215m, commensurate with the standards for Stopping Sight Distance (SSD) for speeds of up to 100kph.

5.37 The footway on the east side of the site access road would route northeast along the south side of Banbury Road, crossing to the existing footway on the north side of Banbury Road via a new refuge crossing, located around 25m northeast of the junction centreline. The footway on the west side of the site access road would route southwest along the south side of Banbury Road, connecting to existing footway provision at the access to the cricket club. Southwest of the junction, a new refuge crossing would facilitate crossing movements to the footway on the north side of Banbury Road and proposed bus stop infrastructure. Further to the southwest, a pedestrian access from the footway would be provided. It is also proposed to provide new bus stops along the site frontage, which would provide appropriate bus stop infrastructure within the immediate vicinity of the site.

5.38 The TA recognises that existing bus services passing the site are limited but argues that the proposals would result in an increase in demand for public transport and therefore increase viability for potential improvements to existing services and the frequency of these. The TA concludes that:

- The site is accessible for non-car modes, with well-established links to existing facilities available via walking and cycling modes and public transport options available near the site;
- Safe and suitable access can be provided to / from the site for all users;
- The development has been designed with reference to national and local guidance; and
- The impact of the proposed development will not be 'severe', meeting the requirements of local policy and the NPPF. The application is accompanied by a TP that will promote the uptake of sustainable travel opportunities.

5.39 A subsequent Technical Note on Transport Sustainability principally reiterates the TA and concludes that:

*'The review has identified that a range of day-to-day facilities are within walking distance of the site, accessible via the existing pedestrian network and proposed access arrangements. Future employment, education and local centre facilities, to be delivered as part of the East Chipping Norton SDA, would also be within walking distance. The entirety of Chipping Norton and the neighbouring settlements such as Salford and Great Rollright are located within cycling distance of the site. Bus stops in the wider town area provide access to hourly services to / from Oxford. Rail services to destinations further afield are accessible from Kingham railway station. The proposed access strategy includes appropriate measures to ensure that opportunities for use of sustainable transport for travel to day-to-day facilities are maximised. These include active travel connections to existing infrastructure (facilitated by new crossing provision, where appropriate) and provision of new bus stops along the site frontage, which will safeguard for potential future routing of services that could occur. This will be further promoted through the internal road layout and parking provision (to be agreed at reserved matters stage) and through measures included as part of the TP.'*

5.40 A revised access arrangement plan has also been submitted to include the provision of a 3m wide cycle track between the access and the cricket club entrance, as requested by OCC Transport.

5.41 OCC Transport has advised that the access strategy and arrangements indicated in the submitted drawings are considered to be acceptable. The Banbury Road is subject to the National Speed Limit (60mph) at the entrance and the visibility splays have been determined accordingly at 215m. OCC are confident that adequate visibility can be achieved given the straight



road and the highway boundary. However, it is usual for the speed limit to be relocated so that the access falls within the lower speed applied to the remainder of the built-up area on the approach to a town or village. In this situation, OCC consider that it would be sensible for the 40mph limit to commence at the exit from the A3400 roundabout. The speed limit change would require a Traffic Regulation Order, so a contribution is requested to cover the costs of the consultation.

5.42 In terms of sustainable transport connectivity, it is noted that the site is not ideally located for public transport access and that there is a very limited bus service passing the site. However, OCC comment that as bus service improvements progress with S106 funded enhancements, the number of journeys on Banbury Road will increase. The proposed bus stops are therefore welcome (and indeed required) and need to be delivered as part of the S278 works.

5.43 OCC Transport has raised no objection to the application subject to S106 contributions towards improvements to public transport services, traffic regulation order and travel plan monitoring; an obligation to enter into a S278 agreement and appropriate highway conditions.

5.44 In terms of active travel, as detailed above, the TN on Transport Sustainability identifies the site as being within walking distance (a 24 minute/2km walk) from a range of day-to-day facilities. It is important to note however, that Chipping Norton is a hill town and this will affect 'standard assumptions' about walking and cycling distances and times. For example, there is about a 40m (AOD) difference between the site and the town centre. It is also worth noting that the Government's National Design Guide, in highlighting the range of benefits for people of living in a well-designed, compact and walkable neighbourhood, states that 'walkable' is where local facilities are no more than a 10-minute walk (800m radius). In light of climate and health emergencies, many in the planning and public health professions are advocating the merits of 20-minute neighbourhoods. Again these are seen as places designed so that residents can meet their day-to-day needs within a 20-minute return walk of their home (equivalent to 800m).

5.45 Many of the town's existing facilities and services lie beyond such distances from the site. One of the principal objectives of the Chipping Norton Neighbourhood Plan is to ensure that new development is well connected to the rest of the town and surrounding area, especially by public transport, walking and cycling. This is reflected in Policy TM7 which states that 'Development should be well connected to other parts of the town. Attractive and safe walking and cycling routes towards the town centre and other community facilities should be provided to serve new development'. Policy TM8 also states that 'Developments should take account of the movement needs of people of all abilities on pavements, pathways and road crossing points. Access to new developments should flow seamlessly from the existing pedestrian network and prove easy for all to navigate'. The provision of public transport, therefore, becomes even more significant, not least because of the town centre being designated an Air Quality Management Area. The supporting documents also see the site's position in relation to the SDA as important for accessing new and existing services and facilities and providing pedestrian and cyclist routes. Given the delay in the delivery of the SDA, this provision cannot be relied upon. Neither are any potential connections identified in this proposal to the SDA and would be hard to be provided given that this site only abuts the SDA in the far south west corner.

5.46 In conclusion, whilst there is no objection raised by OCC Transport, this site is somewhat remote from the town with access from the town via a steep hill and as such has poor active travel credentials which must weigh against the scheme in the overall planning balance.

## **Flood Risk/Drainage/Water Supply**

- 5.47 The site is located within Flood Zone I (low risk) for tidal and fluvial flooding. The flood risk from other sources such as groundwater, sewers and artificial water bodies is also low. The proposed development use is classified as 'more vulnerable' under the Planning Practice Guidance which is suitable for a Flood Zone I site.
- 5.48 The site is not currently positively drained at present. New foul and surface water networks would be constructed to collect flows generated by the development. Surface water flows would be discharged via a sustainable drainage solution. It is proposed to discharge flows via an infiltration method with SuDS features incorporated throughout the site. It is proposed to discharge foul flows to the existing public foul sewer located within the nearby vicinity of the site. The application is accompanied by a Flood Risk and Drainage Statement. In summary the statement concludes that the proposed development will not demonstrate a significant flood risk to the site from surface water or overland flows, existing sewers, groundwater or artificial waterbodies.
- 5.49 Following the submission of additional information, the Lead Local Flood Authority has no objection to the application subject to a drainage condition. Thames Water has also no objection to the application subject to drainage conditions.

## **Trees/Biodiversity**

- 5.50 The application is accompanied by an Arboricultural Implications Assessment which advises that master planning of the development has been informed by arboricultural recommendations throughout with new tree planting recommended to ensure succession of the existing tree stock on site. The report concludes that suitably worded condition can secure any mitigation measures which would be required to minimise harm and ensure safe, long-term retention to trees. The application is accompanied by a tree protection plan which identifies existing trees to be retained and managed in accordance with British Standards Guide Lines.
- 5.51 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. The application is accompanied by an Ecological Appraisal which advises that the habitat features present and limited size of the site provide relatively limited opportunity for protected or notable faunal species. It is considered that any populations present could be readily safeguarded through appropriate mitigation measures, sensitive timing of works and the appropriate design of any future development proposals, with habitat retention, buffering, enhancement and creation of areas of higher ecological value within areas of public open space. The Biodiversity Statement advises the scheme will deliver a net gain in biodiversity as a result of the development of the site. An additional Biodiversity Impact Assessment Addendum has been submitted which again concludes that overall, the scheme is capable of delivering a measurable net gain to biodiversity, and the scheme remains capable of delivering biodiversity net gain in accordance with the National Planning Policy Framework (NPPF), local planning policies, and the future requirements of the Environment Act 2021.
- 5.52 The Biodiversity Officer raises no objection to the application subject to conditions to ensure protection of priority species and habitats and secure biodiversity net gain. Natural England (NE) has also advised that based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

## **Residential Amenity/Noise/Air Quality**

- 5.53 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, issues such as noise, air quality and contamination can be considered.
- 5.54 In terms of noise, the application is accompanied by a noise assessment which assessed the suitability of the site for residential development, based on the measured noise levels at the site and the outline development proposals. The report concludes that the site is predicted to meet the requirements of the relevant British Standard and planning guidance and it is considered that noise does not present a constraint to the development in its proposed form. The Environmental Health Officer has no objection to the application subject to a condition to ensure implementation of the recommendations in the noise assessment report.
- 5.55 A Phase I ground investigation study has been undertaken which concludes that the site has had no previous historical uses; therefore, the preliminary contamination potential of the site is assessed as low. The ERS Contamination Officer recommends appropriate conditions.
- 5.56 A revised Air Quality Assessment has been submitted in support of this application which concludes that the operational air quality effects on locations of human exposure without additional mitigation are judged to be 'not significant'; and the air quality impacts of local emissions sources on the Proposed Development will be 'not significant' in terms of compliance with AQOs and LVs. The Air Quality Officer has no further objection to the application, subject to a condition requiring the approval of a Construction Environmental Management Plan.
- 5.57 The application is also supported by a Health Impact Assessment which concludes that the proposed development will not result in negative impacts on the health of the existing or future population of the immediate and local areas that cannot be effectively mitigated. Notwithstanding this, the proposed development is assessed as making a number of positive contributions in terms of health and wellbeing, many of these having a particular impact in terms of identified potentially vulnerable groups. Public Health at OCC raise no objection to the application.

## **Sustainability/Climate Change**

- 5.58 A Sustainability Statement and Energy Statement has been submitted which sets out measures to mitigate and adapt to climate change including measures to design buildings to reduce carbon emissions in accordance with the 2025 FHS through the use of energy hierarchy and fabric first approach to reduce energy demand, helping to mitigate the effects of climate change and delivering Net Zero Ready homes; Specification of water efficient fittings to reduce water consumption to 110 litres per person per day in line with the government's higher water efficiency standard and designing homes to take into account increasing annual temperatures set out in the UKCPI8 climate projections to minimise the risk of overheating.
- 5.59 Whilst consideration is being given to sustainable design and construction within this proposal, it is disappointing that much of the proposal lacks ambition, focusing on meeting policy requirements and building regulations, rather than striving for higher standards. One of the principal objectives of the Chipping Norton Neighbourhood Plan is to ensure that all new dwellings are built to exemplary environmental standards.

## Summary of S106 contributions

5.60 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.61 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.62 Matters relating to the provision of Green Infrastructure, play areas and open space will also be secured via the legal agreement together with required monitoring costs. The following contributions towards sports and recreational facilities requested are:

- Outdoor pitch provision and ancillary facilities of £161,100 towards enhancements and improvements to sports facilities within the catchment area.
- Sport hall/ studio provision of £43,997 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
- Swimming pool provision of £48,647 towards the cost of an enhancement or improvement to pools in the catchment area.

5.63 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below;

OCC seeks:

£101,970 towards public transport services.

£1558 towards the cost of monitoring the Travel Plan

£3,600 towards a Traffic Regulation Order for the relocation of the extent of the speed limit.

£44,871 towards special school education capacity serving the development.

£8,456 towards the expansion and efficiency of household waste and recycling centres.

5.64 In terms of health care, the NHS has requested a contribution of £77,760 towards primary care infrastructure funding.

## Conclusion and Planning Balance

5.65 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

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

5.67 With regards to the economic dimension of sustainability, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and local investment during construction, as

well as longer term expenditure in the local economy. I consider that moderate weight should be afforded to these benefits.

- 5.68 The proposal would positively support the delivery of housing, including affordable housing. There is a need for market and affordable homes within our district and the proposal would contribute towards this at a time of housing need. I attach significant weight to this social benefit. There would also be social and health benefits arising from the inclusion of publicly accessible open space and green infrastructure which would provide amenity benefits to both existing and future residents although this would be expected to be delivered in any case and as such is given limited weight.
- 5.69 In terms of the environmental dimension this proposal would extend development into the open countryside, along the Banbury Road and would fail to form a logical complement to the existing pattern of development and/or the character of the area and would harm the local landscape and setting of the town. In addition, the proposed development is somewhat remote from the town with access via a steep hill and as such has poor active travel credentials. Public transport access is also limited. These harms weigh against the development.
- 5.70 The proposed development would not give rise to any loss of significance from any designated heritage assets which are located within its wider surroundings.
- 5.71 The proposal now provides adequate drainage details to demonstrate adequate water management and would result in biodiversity net gain, which accords with Policy EH3 of the Local Plan.
- 5.72 A reduced timeframe for the reserved matters to be submitted and for development to begin ensures the development makes a meaningful contribution to the housing shortfall in the District.
- 5.73 Turning to the planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.
- 5.74 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

## **6 CONDITIONS**

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

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

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

REASON: The application is not accompanied by such details.

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

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

4. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

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

5. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

6. Prior to commencement of the development hereby approved; a construction traffic management plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will park, and occupiers transported to/from site
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.

- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved CTMP shall be adhered to throughout the development.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

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

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

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

8. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

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

9. No dwelling shall be occupied until confirmation has been provided that foul water capacity exists off site to serve the development.

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

10. No dwelling shall be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional demand to serve the development have been completed.

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

11. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

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

12. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

13. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- Precautionary working method statement for nesting birds, tree roosting bats, commuting bats, badgers, reptiles and terrestrial mammals;



- The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- The times during construction when specialists ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

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

14. An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:

- Details of planting such as, hedgerows, woodland planting, species-rich grasslands, tree planting, scattered scrub and wildlife pond planting;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Details of integrated bird and bat boxes, reptile hibernacula and hedgehog friendly fencing;
- Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

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

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

15. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:

- Description and evaluation of features to be managed, including locations shown on a site map;
- Landscape and ecological trends and constraints on site that might influence management;
- Aims and objectives of management, including ensuring the retention and delivery of the 19.88 habitat units and 16.10 hedgerow units on site;
- Appropriate management options for achieving the aims and objectives;
- Prescriptions for all management actions;
- A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- Timeframe for reviewing the plan;
- Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

**REASON:** To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

16. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy 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 and badgers;
  - 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:** In the interests of visual amenity and ecology to protect foraging/commuting bats and badgers.

17. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The CEMP shall: identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light spill/glare; provide details of the hours of operation; and, detail waste management arrangements. The plan shall cover all aspects of the works, including site set up, site preparation, groundwork and construction phases of the development.

REASON: To protect the amenity local residents & visitors, and ensure the safety of road users.

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

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

19. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

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

#### INFORMATIVES :-

- Any alterations to the Public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the public highway, shall be undertaken within the context of a legal Agreement (such as Section 278/38 Agreements) between the applicant and the Highway Authority.
- There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) TW will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. TW advise that the guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> should be read.
- Thames Water advise that a drainage strategy should contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points. This data can then be used to determine the impact of the proposed development on the existing sewer system. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken. Please can you confirm the proposed point of connection to the public sewerage system.
- The applicant should consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides can be found here: <https://www.securedbydesign.com/guidance/design-guides>
- Any reserved matters application should pay particularly careful attention to the replacement and enhancement of tree planting and hedgerow along the roadside boundary to create a long-

term screen to the development and maintain the distinctive soft, tree lined approach to Chipping Norton

### Notes to applicant

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- 4 The applicant should consult the guidance provided by Secured By Design, and use the principles contained within the design guides to inform the design of the development, designing out crime from the outset. The principles of CPTED should be incorporated throughout the scheme. The guides can be found here: <https://www.securedbydesign.com/guidance/design-guides>
- 5 Any reserved matters application should pay particularly careful attention to the replacement and enhancement of tree planting and hedgerow along the roadside boundary to create a long-term screen to the development and maintain the distinctive soft, tree lined approach to Chipping Norton

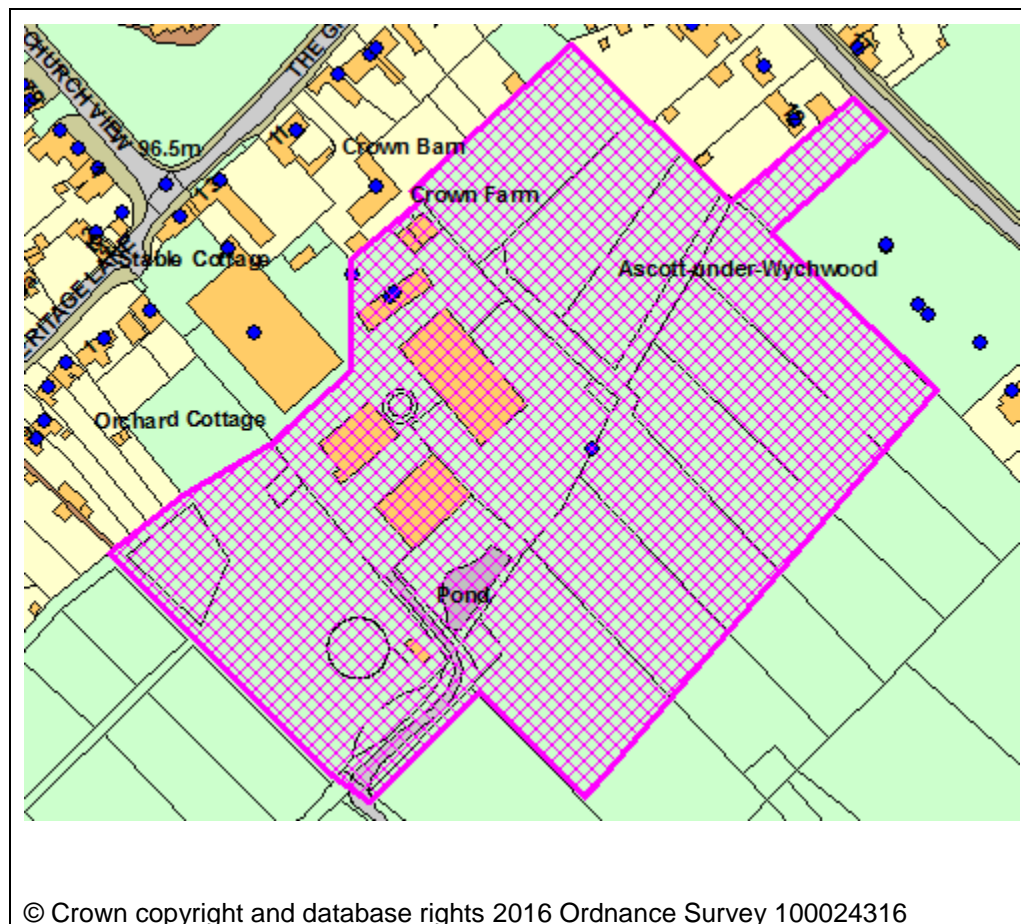
**Contact Officer:** Joan Desmond

**Telephone Number:** 01993 861655

**Date:** 9th August 2023

Application Number	23/01504/OUT
Site Address	Land West Of London Lane Ascott Under Wychwood Oxfordshire
Date	9th August 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Ascott Under Wychwood Parish Council
Grid Reference	430192 E 218510 N
Committee Date	21st August 2023

### Location Map



### Application Details:

Outline planning application with all matters reserved (except for access) for the development of up to 40 residential dwellings (C3 use), including 50% affordable housing, with vehicular access from London

Lane. Provision of associated public open space, alongside landscaping, drainage infrastructure, and associated works.

**Applicant Details:**

Obsidian Strategic Asset Management Ltd  
2nd Floor Regis House  
45 King William Street  
London  
EC4R 9AN

**I CONSULTATIONS**

Adjacent Parish Council

Shipton under Wychwood PC wishes to object to this planning application for up to 40 houses in Ascott under Wychwood, on the grounds that it will further impact the environmental quality of the waterways and surrounding areas here in our village due to the additional burden on Thames Water's (TW) sewage treatment works (STW) at Milton under Wychwood.

For information, Ascott under Wychwood's sewage is pumped back to Milton STW which is on the border between Milton and Shipton parishes. It discharges into Littlestock Brook which flows into the River Evenlode, both within our parish.

According to TW (Richard Aylard, WODC Waterways Day, Nov. 2022), this STW was originally built for a population of 2100 but now services around 4000 people. Thames Water have said, in their comment on the application (11.7.23), that they have no objection to the development in terms of foul water, as long as surface water is not discharged into the network. This implies that Milton STW has the capacity for the foul waste which would be produced. However, it is a well-known fact that even now this STW frequently reaches capacity and discharges raw sewage into the brook. Last year, it discharged 73 times for a total of 980 hours, the equivalent of 41 days (Evenlode Catchment Partnership (ECP) figures based on TW Event Duration Monitors). Between January 1st and March 31st 2023 it discharged for 775 hours. Additional housing will only exacerbate this problem.

This source of pollution is already seriously impacting the ecology of the waterways and surrounding biodiversity in Shipton and it continues downstream. The proposed development, which would only add to this, is therefore contrary to WODC Local Plan EH8: Environmental Protection. At a recent visit to the STW organised by one of our Councillors, TW said that they would be upgrading the STW to increase the capacity; this was due for completion in 2025. However, they stated that the designs had not even been finalised and, given the current financial crisis at TW, there can be no certainty that the works will be carried out by this date. Added to this, there is a question as to whether the additional capacity will be sufficient to cope with the growing population.

Shipton Parish Council is committed to restoring the health of our waterways to good ecological quality and therefore opposes

development such as this where the existing sewage infrastructure is known to be inadequate.

Adjacent Parish Council

Milton-under-Wychwood Parish Council - We question the ability of Milton-under-Wychwood Sewage Treatment Works (STW) of Thames Water Utilities Limited (TWUL) to deal legally with the increased sewage generated by the proposed development and note the risk of groundwater of the proposed development site entering the sewage network.

We have a particular problem with the following statement in the Flood Risk Assessment for the project provided at the WODC website (31 May 2023): '7.6 It should be noted that current infrastructure charging arrangements mean that Thames Water, as local sewerage undertaker, is obliged to accept foul water flows generated by committed development and fund any network improvements that may be required to provide the necessary capacity via infrastructure charges received from the developer. As such, foul capacity should not ultimately be a constraint to development, although the timing of any network improvements may influence the development programme.'

As shown from analysis provided in the MuW Neighbourhood Plan's Appendix 7, we remain gravely concerned that the investment programme at the Milton-under-Wychwood Sewage Treatment Works has not kept pace with required capacity as our communities expand and we will continue so until TWUL is in a position to demonstrate otherwise. We continue to consider that new development, other than minor infill, should be subject to a Grampian (i.e. pre-commencement) condition that prevents planning permission until STW capacity is demonstrably adequate to cope with the additional loading brought by respective development.

The Flow to Full Treatment (FFT) rated throughput capacity at the works remains alarmingly insufficient to cope with the existing sewage loading, resulting in unpermitted discharges of untreated sewage - as registered by TWUL's own Event Duration Monitoring equipment - to the Littlestock Brook which feeds the River Evenlode. Despite TWUL suggesting that the proposed increase of FFT at Milton STW to 43 l/s is 'likely' to be in 2025, there is no confirmation that this timescale will be met. Indeed, many of TWUL's projects incur several years of delayed implementation.

TWUL has also identified that Milton-under-Wychwood STW sewage network has very significant groundwater infiltration issues. These result in long-term spilling of untreated sewage into the Littlestock Brook and the downstream River Evenlode.

The Environment Agency is very clear that groundwater infiltration is not a legal reason for the discharging of untreated sewage, confirming the current illegality of many of these discharges. TW states that it is currently investigating the efficacy of various measures to control groundwater infiltration, including lining of pipes.

However, no firm date has been provided for completion of these

works, other than that they are expected to be completed by 2030. We consider that without the prior completed upgrade to 43 l/s FFT and related improvements to ensure compliance with the legal permit standard at Milton-under-Wychwood STW, granting outline planning permission of this development will simply endorse its present unpermitted and illegal STW operation, and will increase further the spilling of untreated and poorly treated sewage into the River Evenlode catchment.

Mindful of the foregoing Flood Risk Assessment paragraph 7.6, we accordingly urge WODC not to take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity to accommodate the extra sewage load that would be placed by the development. We have to reiterate that significant new development of the type contemplated under this application should be subject to a pre-commencement condition that prevents planning permission until STW capacity is demonstrably adequate to cope with the additional loading brought by respective development.

Oxford Clinical Commissioning  
Group NHS

No Comment Received.

ERS Air Quality

With regards to the above application, I have no objection with regards to general air quality, however I would recommend the following conditions:

1. Prior to the erection of the development hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCPs) shall be submitted to and approved in writing by the local planning authority. This should include an EVCP for each individual dwelling and shared EVCPs for apartment blocks (if applicable). The EVCPs shall be installed and brought into operation in accordance with the details agreed as above, prior to occupation of the development.

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

2. Prior to the erection of the development hereby approved, written and illustrative details of the number, type and location of bicycle storage racks shall be submitted to and approved in writing by the local planning authority. This should include shared cycle storage for apartment blocks (if applicable). The storage racks shall be installed and brought into operation in accordance with the details agreed as above, prior to occupation of the development.

REASON: West Oxfordshire District Council is committed to supporting measures that will reduce emissions from transport and is



keen to promote the uptake active travel. The incorporation of secure cycle storage will facilitate this. The developer is also encouraged to work with local businesses and primary school, to install cycle racks to further encourage active travel.

#### ERS Contamination

I have looked at the application in relation to contaminated land and potential risk to human health.

The following report has been submitted with the application:

- RSK Geosciences, Preliminary Risk Assessment: Ascott-Under-Wychwood, 17 May 2023. Project Number: 305291 R01 (02).

The report details the findings of a desk based study and site walk over. In general the conclusions and recommendations made in the report are supported. It is agreed that intrusive investigation is required to further characterise the nature and extent of contamination on site. Please consider adding the following condition to any grant of permission.

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

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

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

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

With regards to the above application, I have no objection with regards to general air quality, however I would recommend the following conditions:

1. Prior to the erection of the development hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCPs) shall be submitted to and approved in writing by the local planning authority. This should include an EVCP for each individual dwelling and shared EVCPs for apartment blocks (if applicable). The EVCPs shall be installed and brought into operation in accordance with the details agreed as above, prior to occupation of the development.

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

2. Prior to the erection of the development hereby approved, written and illustrative details of the number, type and location of bicycle storage racks shall be submitted to and approved in writing by the local planning authority. This should include shared cycle storage for apartment blocks (if applicable). The storage racks shall be installed and brought into operation in accordance with the details agreed as above, prior to occupation of the development.

REASON: West Oxfordshire District Council is committed to supporting measures that will reduce emissions from transport and is keen to promote the uptake active travel. The incorporation of secure cycle storage will facilitate this.

The developer is also encouraged to work with local businesses and primary school, to install cycle racks to further encourage active travel.

Wychwood Project

No Comment Received.

Major Planning Applications Team

Transport - No objection subject to:

- S106 Contributions
- An obligation to enter into a S278 agreement
- Planning Conditions

LLFA - No objection subject to drainage conditions.

Education - No objection subject to S106 contributions.

Archaeology -The site lies in an area of archaeological interest and potential, as outlined in the submitted Heritage Statement, and the full archaeological background to the site will not be repeated here. In summary, the site has remained mostly undeveloped, and possibly Medieval ridge and furrow is extant within the development area. Remains dating from the Prehistoric - Roman periods have been recorded in the vicinity of the site, though largely these are of isolated find spots rather than settlement activity. During the Anglo-Saxon - Medieval periods it is likely the site was in agricultural use, though there is the possibility of settlement remains to survive. A watching brief undertaken at Corner Farm, c. 100m north of the site, recorded Medieval pits and boundary ditches (EOX 1143). As well as the open spaces, the impact of the farm buildings currently on the site will have to be assessed, and this can be secured through a staged programme of archaeological investigation. We would therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

Waste Management - No objection subject to S106 contributions.

Conservation And Design  
Officer

Although I generally concur with their identification of heritage assets, and general description of significance, however, I do not support their final assessment of harm / the impact of proposed development on the setting and significance of these heritage assets. While I agree that the removal of modern barns would be beneficial, I consider this to be immaterial - ultimately these could be removed anyway to open the views which would vastly improve the setting of the heritage assets. In my opinion this does not negate the harm that the intrusion of a new development and associated infrastructure would have on the previously undeveloped rural setting of the heritage assets. And, the loss and legibility of the former medieval plots / historic landscape character / pattern.

I consider the proposal overall would fail to conserve or enhance the setting and significance of the Grade II\* Church of the Holy Trinity, the Grade II listed Crown Farmhouse and Nos. 9 & 11 The Green and would result in a high level of less than substantial harm, and also a high level of less than substantial harm to the wider rural setting and historic landscape character / pattern which would result in the erosion / loss / legibility of the current linear settlement pattern of Ascott-under-Wychwood.

Therefore, I raise an objection - the application is contrary to Legislation, NPPF (Section 16), and LP Policies EH9, EH11, EH13 and WODC design guidance.

WODC - Arts	No Comment Received.
WODC - Sports	<p>The Council seeks to secure, by way of planning obligations off site contributions for:</p> <p>a. Outdoor pitch provision £71,600 towards enhancements and improvements to sports facilities within the catchment area.</p>
WODC Planning Policy Manager	No Comment Received.
WODC Housing Enabler	<p>The precise mix of affordable housing is not included in the application details. I would therefore highlight the supporting text of policy H3 of the Local Plan that requests 1 and 2 bedroom homes make up 65% of the affordable housing mix.</p> <p>The Planning Statement confirms that affordable housing for rental, as shared ownership and as First Homes will be provided in policy compliant amounts. For reasons of affordability, I request that the affordable homes for rental are provided as Social Rent tenure and that it is agreed that rents are capped at the relevant Local Housing Allowance for the area.</p> <p>Typically, around 10% of applicants for affordable housing have a need for bungalow or ground floor accommodation. I request that consideration is given to this aspect of the housing need.</p> <p>Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 26 applicants shown above, there are a further 2075 applicants on the overall waiting list who could benefit from the development of this site at time of writing.</p>
Env Health - Uplands	<p>I have No Objection in principle to the outline planning application for the erection of up to 40 dwellings at the site.</p> <p>The submitted Noise Assessment report provided by SUONO Consultancy Ltd (Document Ref.: 2777.RP.2) appears to demonstrate that the appropriate noise levels can be achieved with the noise mitigation measures and recommendations in their report.</p> <p>I would ask for conditions similar to the following to be attached to any consent given:-</p> <ol style="list-style-type: none"> <li data-bbox="630 1577 1406 1745">I. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum they achieve the internal ambient noise levels contained in British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings.</li> <li data-bbox="630 1749 1438 1877">II. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity</li> </ol>

and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once submitted and approved the details contained in the plan shall be adhered to.

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

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

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is set out at Annex A.

District Ecologist

Further information is needed to assess the potential implications to biodiversity:

Whilst the submitted metric and biodiversity net gain assessment report indicates a measurable biodiversity net gain can be achieved on-site, it is not currently possible to assess whether the submitted information is correct. In order to assess whether a net gain can be secured a proposed habitat plan will need to be submitted. The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares (although in this instance I would be satisfied with m<sup>2</sup> given the existing habitats have been shown in this way).

If the above cannot be resolved, refusal is recommended for the following reason:

Insufficient information has been submitted to demonstrate a measurable biodiversity net gain can be secured therefore, the proposal is contrary to local plan policy EH3.

Climate

No Comment Received.

Cotswolds Conservation Board Holding objection - We acknowledge that the Council may not currently be able to demonstrate a five-year land supply. However, we consider, for the reasons outlined in Annex I, that the application of policies in the NPPF, in particular paragraphs 176 and 177, provide a clear reason for refusing the proposed development. As such, we recommend that the 'tilted balance' in favour of granting planning permission is not engaged and the application should be determined on an unweighted planning balance with clear reasons for refusal already present as outlined below.

WODC Landscape And Forestry Officer

No Comment Received.

Thames Water

Waste Comments

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

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.

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.

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. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for

discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

#### Water Comments

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

Thames Water responded to the above application on the 11th July 2023. However, following a recent review we would like to amend our position and request that the comments are amended to the following:

Milton Under Wychwood STW is currently being upgraded to accommodate this and other development in the catchment. The upgrade works are due to be completed by April 2025 and as such Thames Water feel it would be prudent for the following condition to be attached to any planning approval.

The development hereby approved shall not be occupied until either:

1. The sewage treatment works upgrades at Milton under Wychwood STW, to accommodate the additional flows from the development have been completed, or-
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Ascott-under-Wychwood PC opposes this application. Our response has been informed through village-wide consultation with residents, and through a public meeting at which residents were provided the opportunity to give their views. Approximately 100 villagers attended; all of those who spoke, around 20, were opposed to the development.

Specifically, nobody suggested that the inclusion of 20 affordable homes in the proposals made the development desirable or welcome. There was unanimous concern about the landscape impact of the proposed housing estate, that it would create an oversupply of houses that would be bought as second homes by those living outside the county and worsen the unaffordability of homes in the area, that there are very few services in the village so that the new home owners would need cars to go to the larger villages and towns, that it would increase the risk of flooding to existing houses in the village and that it was an unsustainable proposal that would harm the landscape of the village in the Lower Evenlode Valley part of the AONB.

We do not attempt to cover every point made in the application; failure to deal with any of the contents of the proposal does not imply acceptance of them. Our opposition is primarily on the following planning grounds.

1. Contrary to the National Planning Policy Framework: allowing the application would be incompatible with the great weight that has to be given to conserving and enhancing landscape and scenic beauty in AONBs, particularly since NPPF paragraph 177 requires permission to be refused for major development in an AONB other than in exceptional circumstances and where it can be demonstrated that development is in the public interest.

The applicant has not demonstrated any exceptional circumstances. The incompatibility of the development with the NPPF is reason enough on its own to refuse the application.

2. Contrary to the West Oxfordshire Local Plan: the development would be contrary to the Local Plan in numerous respects, most obviously because it is predominantly for greenfield development on land adjoining a village in the Cotswolds AONB and no local need has been demonstrated.
3. The remainder of the Parish Council can be viewed on the website. The statement is organised as follows: the next section (paragraphs 5 to 16) describes the village and its situation; A further section (paragraphs 17 to 26) makes some over-arching observations about the application. The section following (paragraphs 27 to 36) discusses the incompatibility of the proposed development with the NPPF, followed by a discussion of the incompatibility of the proposed development with the Local Plan (paragraphs 37 to 87). Finally, we discuss the planning balance.



4. The matters of concern that we raise in relation to the Local Plan are also matters of concern in relation to the public interest test in the NPPF. It cannot be in the public interest to approve a development in circumstances where no local need for it has been demonstrated and it would:
- be an awkward and artificial addition to the existing village, physically and visually separated from it
  - be an inefficient use of 3.7 hectares of land
  - mar a major entrance point to the village with the introduction of an awkward and inevitably suburbanising road junction and pedestrian crossing
  - be at risk of flooding
  - increase the risk of flooding of existing properties
  - affect the amenity of existing residences and the setting of listed buildings
  - fail to conserve or enhance the AONB
  - increase local traffic
  - increase the strain upon local infrastructure.

Conclusion: the planning balance

Given that this application involves major development in an AONB, the planning balance dictated by the NPPF is the one set in paragraph 177 of the NPPF: permission should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. The onus must be on the applicant to both establish the existence of circumstances which are exceptional and to demonstrate that the development is in the overall public interest. It is not sufficient to establish a need for the development in the abstract; the planning authority must also consider the scope for developing outside the AONB (paragraph 177(b)) and the detrimental effects of the actual proposed development on the environment and the landscape and whether these could be mitigated (paragraph 177(c)).

Shortage of housing is, sadly, not exceptional; nor is the inclusion on a proposed development of the proportion of affordable housing stipulated in a Local Plan. As to paragraph NPPF 177(b), the applicant has done nothing to displace the commonsense conclusion that there is scope for building 40 houses in parts of the District outside the AONB. The applicant has to demonstrate that the development is in the public interest, taking account of its detrimental effect on the environment and the landscape and whether these could be moderated. One way in which detrimental effects could be moderated, if there were really no alternative to developing in an AONB, would be by locating a development in a different location within the AONB.

Detrimental effects on the environment include those resulting from a site's awkward relationship to its settlement, and its effects upon local amenity (including matters such as overbearing of properties, increased flood risk, increased traffic levels and increased strain upon infrastructure). The overall conclusion, the Parish Council

suggests, is that it is not in the public interest to construct this proposed development in this location.

## 2 REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

2.2 157 Letters of objection and comment received, including from WASP and FWOC:

- Existing foul drainage system already at capacity and cannot cope with new housing
- The current Flow to Full Treatment (FFT) figure at the works is insufficient to cope with the existing sewage loading, resulting in additional discharges of untreated sewage to the River Evenlode
- Inappropriate major development within the AONB
- Flood risk
- Highway safety concerns/Traffic generation
- Inadequate infrastructure
- Significant increase in households in a village which would completely ruin the character and charm of the village
- No local need demonstrated
- Loss of farmland
- Harmful to AONB in breach of national and local policy as set out in the consultation response by the Cotswolds Conservation Board
- The housing development will destroy the quality of the existing public right of way that leads from Heritage Lane to Charlbury Road at Fairspear.
- Unsustainable development
- Contrary to policy
- Undesirable precedent
- The land is part of Crown Farm an historic agricultural site. It is inappropriate that an historical site is turned into a housing estate.
- Not energy efficient enough
- Would affect local ecology
- There are 4 listed buildings in the direct purview of the proposed site that would be negatively impacted by a major new housing development, thus further damaging the character of this Cotswold village in an AONB

2.3 Two letters of support:

- Village needs new housing
- Suggest a drop off point for the (fee paying) primary school that is the real cause of traffic problems in the village.
- Suitable site for development
- Sustainable development
- A new informal public open space that does not house a cricket pitch would be beneficial
- Elements need further consideration such as the access and necessary infrastructure

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

#### **3.1 The submitted Planning Statement concludes as follows:**

Outline planning permission is sought for the construction of up to 40 dwellings, including means of access into the site off London Lane (not internal roads), and associated highway works, with all other matters, relating to appearance, landscaping, scale and layout, reserved.

It has been demonstrated that the proposed development will deliver 50% affordable housing in line with policy, alongside an appropriate housing mix. The development would also provide significant public open space, SuDS features, biodiversity enhancements, additional planting and pedestrian links into the village.

West Oxfordshire cannot currently demonstrate a 5 Year Housing Land Supply, and the proposed development would therefore deliver much needed housing within the district, more specifically up to 20 affordable homes in an area where affordability poses a serious challenge to those in housing need.

The beneficial impacts upon the local economy, both during the construction phase and from new residents once complete should be given significant weight.

The proposals would also enhance the biodiversity value of the site, and would deliver a BNG of 50%, which is a significant enhancement on existing baseline situation.

Other benefits include, but are not limited to, the provision of public open space, landscaping and improvements and enhancements to the arboricultural value of the site. This submission also demonstrates that sustainability measures will be incorporated into the detailed design of the scheme, to ensure the development meets the need of residents into the future.

It has been demonstrated there would be no long-term significant harm to the landscape characteristics of the site and surroundings, or the wider AONB, and that the proposal would constitute exceptional circumstances and would be in the public interest, as required by the NPPF.

It has also been demonstrated there would be no harm to nearby heritage assets, no unacceptable impact to highway safety, and the amenity of existing and future residents of the village would be preserved.

Financial contributions, where necessary, will be provided to support off-site infrastructure in consultation with West Oxfordshire District Council and Oxfordshire County Council and will be secured via a legal agreement.

This statement and other documents accompanying the submission demonstrate that the proposals not only comply with the Development Plan, but the benefits of the proposal significantly and demonstrably outweigh any harm arising from the scheme.

Therefore, this application is commended to West Oxfordshire District Council.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
EH1 Cotswolds AONB  
EH3 Biodiversity and Geodiversity  
EH8 Environmental protection  
EH9 Historic environment  
EH11 Listed Buildings  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
NPPF 2021  
DESGUI West Oxfordshire Design Guide  
NATDES National Design Guide  
EH2 Landscape character  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is an outline planning application with all matters reserved (except for access) for the development of up to 40 residential dwellings (C3 use), including 50% affordable housing, with vehicular access from London Lane. Provision of associated public open space, alongside landscaping, drainage infrastructure, and associated works.
- 5.2 The application site is located on land to the west of London Lane along the southern part of Ascott under Wychwood. The application site is part brownfield, part greenfield measuring 3.7ha in area. The existing site comprises a number of large, portal framed agricultural sheds, in equestrian use, with associated hardstanding and surrounding paddock land, utilised for the grazing of horses. A horse walker also lies within the south-western part of the site. Paddocks are separated by a mix of post and rail fencing, and electric tape, with a section of traditional stone wall separating the farmyard and buildings from the paddocks beyond. The site is located within the Cotswolds National Landscape (formerly known as AONB). There are a number of grade II listed buildings to the North of the site. The site is bound to the north by properties along The Green and to the east by dwellings along London Lane. To the south-east and south-west of the site is open-countryside. A Public Right of Way (footpath 111/15/10) runs immediately adjacent to the south-western boundary of the site, which extends from Heritage Lane to the north, to the B4437 to the south. There are no Tree Preservation Orders affecting the site, however within the site itself are several clusters of trees, as well as hedging along the site boundary.
- 5.3 Pre-application advice for the erection of 41 dwellings and associated works was provided in February 2023.

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

- Principle
- Impact on the Cotswolds National Landscape (AONB)
- Layout and scale
- Impact on Heritage Assets
- Affordable Housing/Mix
- Accessibility/Highway Issues
- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise
- Trees/Biodiversity
- Sustainability/Climate Change
- SI06 Contributions

## **The principle of the development**

### The Development Plan

5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

5.6 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages. Ascott under Wychwood is identified as a village in the settlement hierarchy in the Local Plan and falls within the Burford-Charlbury sub-area. Policy OS2 states that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities

5.7 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.
- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.8 The application site comprises part previously developed land and part undeveloped land which adjoins the built up. In respect of the undeveloped part of the site convincing evidence is required to be presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.9 Policy BC1 sets out of that within the Burford-Charlbury sub-area the focus of new development will be in Burford and Charlbury and that these towns are relatively constrained by their AONB locations so are suitable for a modest level of development. It goes on to state that development elsewhere, including Ascott-under-Wychwood, will be limited to meeting local housing, community and business needs and will be steered towards the larger villages.

5.10 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

#### National Policy/Guidance

5.11 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.

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

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

5.13 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).

5.14 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, although recent appeal decisions suggest that this is lower. Notwithstanding the figure, the provisions of paragraph 11d) of the NPPF is engaged in any case

5.15 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. These issues are considered in more detail below.

### **Impact on the Cotswolds National Landscape (AONB)**

5.16 The site lies within the Cotswolds National Landscape (CNL), a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the CNL.

5.17 Paragraph 177 of the NPPF advises that the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of the following:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

#### *Exceptional circumstances case*

5.18 The case put forward in support of the application is summarised below:

In terms of point (a), the scheme would secure both market and affordable housing for which there is a clear and urgent need in West Oxfordshire. The development would boost the supply of housing, which is a key national policy objective. The scheme would deliver up to 40 units, of which 50% would be affordable, which would make an important contribution to housing delivery in the district. The development would also boost the local economy through the creation of jobs through the construction phase, alongside increase investment in the locality and spending within local shops and services by future residents.

5.19 In respect of point (b), which requires an assessment of the scope for development elsewhere, a large proportion of the district is covered by the AONB, and therefore there is the need for some housing to be accommodated within this. There have been delays with the delivery of existing site allocations within the Local Plan, and since the preparation of The Oxfordshire Plan 2050 was abandoned, the preparation of a new Local Plan 2041 has begun, which, according to the Council's website, is not anticipated to be adopted until at least 2025. As such, it is unlikely

the current housing delivery shortfall will be addressed within the near future via a Plan-led approach, and instead must be addressed through the granting of permission for sites such as this.

5.20 In respect of point (c), the site is located on the edge of settlement, bordered by residential development on two sides. Furthermore, the site is partially previously developed, and currently contains a number of large, modern, unsightly agricultural buildings which would be demolished to make way for the proposed dwellings. The submitted LVIA concludes that the proposal could be integrated on the site without long term adverse effects upon the landscape character and visual environment, and the proposal would conserve, and in some cases enhance, the natural beauty, landscape and countryside of the AONB. The site would therefore make a logical extension to the settlement of Ascott under Wychwood.

5.21 The Planning Statement concludes that *In this case, as outlined above, the shortfall of market and affordable housing clearly amount to 'exceptional circumstances' in line with paragraph 177 of the NPPF, and it has been demonstrated that the development would be in the public interest.*

5.22 The Cotswolds National Landscape Board (CNLB) consider that exceptional circumstances have not been adequately evidenced by the applicant in their submission and the proposal as submitted does not accord with Policies OS2, EH1 and BC1 of the West Oxfordshire Local Plan 2031 and Policies CE1, CE4, CE10, CE11 and CE12 of the Cotswolds AONB Management Plan 2023-2025. In this respect the CNLB comment as follows:

5.23 *a. Need* - The Board is supportive of the provision of affordable housing that meets the needs of communities within the National Landscape, when based on robust evidence of local need arising within the National Landscape. The applicant has submitted an Affordable Housing Statement (AHS) and commits to the provision of 50% affordable housing, or 20 dwellings. We would note that although this is a significant proportion of the overall quantum, ultimately it is still only the minimum amount required by WOLP policy H3. The AHS gives a detailed analysis of the general affordability issues and lack of affordable housing across the District, however this does not assist in defining the current level of affordable housing need specific to Ascott Under Wychwood. The applicant's case on affordable housing need in Ascott Under Wychwood is predominantly predicated on the information contained in the Council's Affordable Housing Register rather than, for example, relying on a settlement-specific Housing Needs Survey. The CNLB do not support an assessment of settlement-specific affordable housing need on the basis of this data alone as register applicants may express a preference for up to three locations in the District, which could lead to double or even triple counting of affordable housing need. This approach was supported by the Inspector in dismissing an appeal at Stonesfield (appeal ref. APP/D3125/W/18/3209551). A key consideration is whether the households on the register have a local connection to the settlement. The applicant appears not to have identified this figure, or the number of households that have both a local connection and a preference. We therefore consider that proposed development is not based on convincing, or robust, evidence of need specific to the settlement / parish or AONB sub-area. As such, it is not consistent with the West Oxfordshire Local Plan or the Cotswolds AONB Management Plan 2023-2025.

5.24 Notwithstanding the above, even if the Council cannot demonstrate the required five-year housing land supply when this application is determined, recent Section 78 appeal Inspectors have held that the circumstances of a housing shortfall, including challenges around providing for affordable housing are not unusual and would not amount to exceptional circumstances that would justify harm to an AONB. We would also wish to highlight the High Court judgement for 'Mevagissey Parish Council v Cornwall Council', which is referred to within Policy CE11 of our



Management Plan, where Hickinbottom J found that *"Even if there were an exceptional need for affordable housing in an area, that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape"*.

5.25 b. *Scope for meeting the need outside the Cotswolds National Landscape or in some other way*

Case law, again referenced in Policy CEI I of the Management Plan, has clarified that 'no permission should be given for major development save to the extent the development ... met a need that could not be addressed elsewhere or in some other way'. The applicant's case in relation to the scope for meeting the need outside of the National Landscape or in some other way is that *"a large proportion of the district is covered by the AONB, and therefore there is the need for some housing to be accommodated within this... , it is unlikely the current housing delivery shortfall will be addressed within the near future via a Plan-led approach, and instead must be addressed through the granting of permission for sites such as this"*. Two-thirds of West Oxfordshire District lies outside of the Cotswolds National Landscape with the area outside of the designation including the three largest settlements and main service centres in the District (Witney, Carterton and Chipping Norton), the Oxfordshire Cotswolds/Salt Cross Garden Village and four of the six rural service centres identified within the WOLP. The WOLP currently provides for housing to come forward within the National Landscape, in particular through compliance with policies H2 and BC1 but this does not necessarily mean that the proposed type and quantum of development proposed here could only be located: (i) in the Cotswolds National Landscape; and / or (ii) in this particular location. This is also underlined by the conclusion of the WOLP Inspector at paragraph 224 of his Examination Report that *"There is significant opportunity for general development needs to be met outside the AONB"*. The applicant has also not undertaken any analysis of alternative sites, including sites adjacent to main/rural service centres, Strategic Development Areas or sites identified in the West Oxfordshire SHELAA which lie outside the AONB. In short, the appellant has not adequately demonstrated that there are not suitable alternatives to meeting the identified housing requirement on sites in the two-thirds of the District lying outside of the National Landscape.

5.26 c. *Detrimental effects: Landscape and Visual Impact* - The CNLB generally concur with the description of the site's landscape susceptibility and consider that the susceptibility of the site to change is 'medium/high'. The CNLB question however, whether the conclusion of 'no effect' on the character of the landscape area is appropriate given the location and scale of the development within the context of the relatively small AONB settlement. Given the 'high' landscape sensitivity and what is considered to be a 'minor adverse' magnitude of effect on landscape character, CNLB consider that a 'minor adverse' landscape effect would result.

5.27 As well as demonstrating exceptional circumstances, the NPPF also requires that it must be demonstrated that the development is in the public interest. It is argued that the number of benefits that will be secured by the proposals demonstrate that it is in the public interest. These benefits include a boost to the local economy through the creation of jobs through the construction phase, alongside increase investment in the locality and spending within local shops and services by future residents. Other benefits include the delivery of 50% affordable housing; provision of significant public open space, SuDS features, biodiversity enhancements, additional planting and pedestrian links into the village. Whilst the public benefits are recognised, the CNLB note that the unquantified social and economic benefits identified would apply to any similar form of residential development, irrespective of its location, and as such they do not consider that they amount to exceptional circumstances in this case.

5.28 In conclusion, whilst the public benefits of the development are recognised, this is major development within the AONB and no convincing evidence has been submitted to demonstrate that exceptional circumstances apply in this case to justify the development.

## **Landscape Impact**

5.29 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and, as such, is covered by the aims and objectives of the Cotswolds AONB Management Plan. The site also lies within the Wychwood Project Area. At a more local level, the site is located within the "Lower Evenlode Valley" landscape character area (LCA 6 West Oxfordshire Landscape Assessment 1998). The site lies within the "open valley-side farmland".

5.30 A submitted Landscape and Visual Impact Assessment (LVIA) concludes that in terms of effect upon landscape character the proposals could be integrated without any notable adverse effects upon the key landscape features which characterise the site and its immediate setting. It is noted that the proposals would result in a degree of perceived change within the site itself, however, change need not equate to harm, and the enclosed nature of the site and its immediate setting would ensure that any perception of change, in terms of the landscape character, is highly localised. While it is acknowledged that the proposals would affect the perceived openness of part of the site and represent a new addition to the settlement, it is considered that the opportunities for enhancements in terms of vegetation cover and public access, together with the adoption of a sympathetic, landscape-led layout and high quality palette of materials which reflect the local vernacular would mitigate any perceived adverse effects and ensure that the proposals conserve the local landscape character, as well as presenting some opportunities for enhancement. In terms of effect upon the visual environment, the LVIA concludes that the proposals could be integrated without any notable adverse visual effects and that by adopting a sympathetic layout, and comprehensive scheme of landscaping, the site could be sensitively developed ensuring that the receiving visual environment and appearance of the area is conserved.

5.31 The CNLB have commented that the longer-range viewpoints presented in the LVIA show that the site is predominately screened by vegetation or topography and the site is not especially prominent in longer views from the north-west or south east. In addition, there are also a number of viewpoints where the proposed development would be seen against the backdrop of existing neighbouring properties or the better-quality farm buildings that would be retained. The retention of onsite trees, particularly those in the central 'corridor' and on the southern boundary is considered to be essential and also that these should be supplemented by further, considered, native species planting. The retention and enhancement of drystone walling is equally a key consideration. It would be in the closer range viewpoints that the visual impact of the development would be most appreciable. Whilst the CNLB generally agree with the perceived effects from various viewpoints it considers that in respect of 2 viewpoints (Viewpoint 7- from the adjoining footpath and 8 from the B4437) that the effect would reduce to 'minor adverse, and not 'negligible' as concluded. The CNLB considers that, on balance, whilst the proposal may not give rise to significant adverse effects on of the National Landscape, the LVIA tends to underestimate the landscape and visual impact of the proposal.

5.32 The CNLB also highlight that 'Tranquillity' is a 'special quality' of the Cotswolds National Landscape, being one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it. The CNLB consider that the potential impact on the tranquillity of the National Landscape has not been adequately assessed, particularly in respect of traffic flow and as such does not accord with the requirements of Policy CE4 of the National

Landscape Management Plan and, by extension, Policy EHI of the WOLP. The CNLB also consider that as AONBs have the same level of protection with regards to landscape and scenic beauty as national parks within the NPPF and PPG and dark skies are one of the 'special qualities' of the Cotswolds National Landscape, it is reasonable to treat the National Landscape as an 'intrinsically dark landscape' in NPPF and PPG terms. The Board notes that at this outline application stage, no detailed information has been provided regarding external lighting and recommends that should permission be granted an appropriate planning condition is imposed.

5.33 In conclusion, whilst it is agreed that the visual effects of the development are likely to be localised, this would not validate the intrinsically harmful urbanising effects that would result from the proposal. The development would have an adverse impact on the appearance and character of the Cotswolds NL and fails to adequately assess the potential impact on the tranquillity of the NL.

## Layout and Scale

5.34 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 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. The design of places and buildings is influenced by how these components are put together.

5.35 A concept masterplan has been submitted with the application to show how the site could accommodate the proposed development. The DAS advises that the principal design factors are:

- Layout design structured around the site constraints;
- Provision of open space within the north-east corner for surface water attenuation feature;
- Perimeter style development blocks utilised to create a traditional street structure (as exists in the village);
- Retention of all trees/hedgerows within open spaces to create amenity retain local habitats;
- Existing low stone wall retained as site feature within open space;
- South-eastern portion of the site retained as natural green space behind a new planted field buffer;
- Paddock area South-west corner retained as green space incorporating the existing PROW and play area.

The DAS states that residential development would be up to 2.5 storeys high.

5.36 This site lies on the opposite side of London Lane where an appeal was recently dismissed (APP/D3125/W/21/3285075) for the erection of 7 one story age restricted dwellings. This site has similar characteristics to that site, which the Inspector described as follows....*its use and appearance share common characteristics with the varied pattern of fields and paddocks, enclosed by mature tree and hedge planting, that envelope the village. The established planting of boundaries provides a verdant backdrop to buildings provides a contrast to the harder exteriors of their built form, a transition to the countryside edge and therefore helps to define what is more urban and rural in form.* The Inspector also noted that...;*The houses to the east of the village are arranged in a coherent linear*

*pattern, predominantly with a street frontage adjacent to a grass verge or footpath. There are instances of development at depth, including within designed estates, but these are predominantly found to the west of the village. Taken together the features stated above, particularly the landscaped appearance and visual characteristics of the paddocks and fields around the village, including the site, and the linear form of built development, give rise to a clear and distinct pattern of development that makes a significantly positive contribution to the rural setting and character of the village and the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty.* The village is identified in the Design Guide as having a linear settlement pattern. Linear settlements have a distinctive ribbon form, and develop along both main road and the smaller side roads that branch off these routes. Development in linear settlement may only be a single house deep on each side, thereby allowing significant views into the landscape beyond. Apart from the incursion of some modern development, this linear settlement pattern is still largely visible in Ascott-under-Wychwood today. This site lies behind the linear form of development along London Lane and The Green and would comprises in-effect backland development which would be out of keeping with the traditional linear character and form of this built part of the village. No buildings would address London Lane or The Green. The development would jar with the established grain of linear development to the east of the village and would be visually separated from other cul-de-sacs to the west of the village and blur how the village currently blends more naturally into the surrounding rural landscape of the AONB.

5.37 In conclusion, the proposed development would fail to form a logical complement to the existing grain, character, setting and local distinctiveness of the village, in conflict with Local Plan policies and guidance in the NPPF and the National Design Guide.

### **Impact on Heritage Assets**

5.38 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. Policies EH9 and EH11 of the Local Plan reflect these duties and Policy EH13 of the Local Plan seeks to protect the historic landscape character of the district. The submitted Heritage Statement identifies that there is 1 Grade II\* Listed Building (The Church of the Holy Trinity) and 3 Grade II Listed Buildings (Crown Farmhouse, No 9 The Green, and No. 11 The Green) whose settings and significance could potentially be impacted by the development.

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

5.40 The HS assessment determined that the proposals would cause no direct impact on any of the heritage assets, no harm to the setting and significance of the Grade II\* Church of the Holy Trinity but may result in less than substantial harm (towards the lower end of the scale) to the wider

rural setting and thereby significance of the Grade II listed Crown Farmhouse and Nos. 9 & 11 The Green. The applicant also stated that the removal of various modern barns and the addition of proposed development would be beneficial overall to the setting of the heritage assets.

5.41 The Conservation Officer has commented as follows:

*'Although I generally concur with their identification of heritage assets, and general description of significance, however, I do not support their final assessment of harm / the impact of proposed development on the setting and significance of these heritage assets. While I agree that the removal of modern barns would be beneficial, I consider this to be immaterial - ultimately these could be removed anyway to open the views which would vastly improve the setting of the heritage assets. In my opinion this does not negate the harm that the intrusion of a new development and associated infrastructure would have on the previously undeveloped rural setting of the heritage assets. And, the loss and legibility of the former medieval plots / historic landscape character / pattern.*

*I consider the proposal overall would fail to conserve or enhance the setting and significance of the Grade II\* Church of the Holy Trinity, the Grade II listed Crown Farmhouse and Nos. 9 & 11 The Green and would result in a high level of less than substantial harm, and also a high level of less than substantial harm to the wider rural setting and historic landscape character / pattern which would result in the erosion / loss / legibility of the current linear settlement pattern of Ascott-under-Wychwood.*

*Therefore, I raise an objection - the application is contrary to Legislation, NPPF (Section 16), and LP Policies EH9, EH11, EH13 and WODC design guidance.*

5.42 Paragraph 202 of the NPPF advises 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 including, where appropriate, securing its optimum viable use. The public benefits of the proposal principally include the provision of both market and affordable housing, public open space and biodiversity enhancements and economic benefits associated with job creation and the construction phases. Conversely, great weight should be given to the conservation of heritage assets, and any harm to a heritage asset must be given considerable importance and weight. It is considered that the public benefits do not outweigh the higher scale of 'less than substantial harm' arising in this case. As per the Framework, this in itself provides a clear reason for refusing the development.

5.43 In terms of archaeology, the HS advises that the results of research from data held at the Oxfordshire HER, as well as cartographic and archive sources, suggest that the Site has a low to moderate potential for archaeological remains of Prehistoric date, a low to negligible potential for remains of Romano-British date, a low potential for remains of Anglo-Saxon date, a high potential for remains of medieval date (relating to both agricultural and settlement activity), and a high potential for remains relating to agricultural activity dating to the postmedieval and modern periods. It is unlikely that any archaeological remains (below ground non-designated heritage assets) on the site would be equivalent to the significance of a scheduled monument (see Section 2.6) and therefore would be of lesser significance and would not require changes to the layout of the proposals. Development groundworks within the Site would have a direct impact on any archaeological remains present within the Site. Any impacts from groundworks associated with the proposed development could be mitigated through an agreed programme of archaeological works developed in conjunction with the Oxfordshire County Council Planning Archaeologist. Agreed archaeological mitigation works could then be undertaken prior to and / or during the construction phase.

5.44 The County Archaeological Officer recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

### **Affordable Housing/Mix**

5.45 The proposed development would include 50% on site affordable housing provision, in accordance with Policy H3 of the Local Plan. The Planning Statement (PS) advises that the proposed tenure split would be 66% rented affordable (up to 13 dwellings), 25% First Homes (up to 5 dwellings) and 9% shared ownership (up to 2 dwellings), in line with the requirements of the Local Plan and the Affordable Housing SPD. The PS also advises that the development would also offer a mix of house types, sizes and affordability, at an appropriate density for the setting.

5.46 The Council's Strategic Housing and Development Officer has commented that the precise mix of affordable housing is not included in the application details. The supporting text of policy H3 of the Local Plan that requests 1 and 2 bedroom homes make up 65% of the affordable housing mix. For reasons of affordability, it is requested that the affordable homes for rental are provided as Social Rent tenure and that it is agreed that rents are capped at the relevant Local Housing Allowance for the area. Typically, around 10% of applicants for affordable housing have a need for bungalow or ground floor accommodation. Consideration should be given to this aspect of the housing need.

### **Accessibility/Highway Issues**

5.47 The existing equestrian enterprise at Crown Farm is accessed from the north, via The Green and Heritage Lane, and from the south, via the A361. To serve the new development, a new access is proposed off London Lane via a 5.5m wide access road and simple T-junction. A 2.0m wide footway would be formed on the eastern side of the new access road to connect to the existing pedestrian infrastructure on the northern side of London Lane via an uncontrolled crossing. It is also stated that the PROW which runs along the western boundary would be enhanced through improved surfacing and signage, to enable additional connectivity between the site and the village. The new access would result in the loss of part of an existing boundary stone wall.

5.48 The submitted Transport Statement states that the following key points have been demonstrated:

- The site is in a sustainable location, within easy reach of a village shop, primary school, bus services and rail services;
- Vehicular access would be taken from London Lane, formed of a 5.5m wide carriageway with 6.0m radii, suitable to allow two-way traffic flow and for refuse vehicles to manoeuvre safely;
- Visibility commensurate with the recorded approach speed of vehicles travelling towards the site is achievable in both directions upon egress from the development, enabling the access to operate safely;
- Safe access for pedestrian access will be taken by way of a 2.0m wide footway along the eastern side of the road, connecting to the footway on the opposite side of London Lane via an uncontrolled crossing;

- Further pedestrian connections will be delivered to connect the site to the public footpath which runs along the site's western boundary; and
- The proposals are expected to generate a modest uplift of 21 vehicle movements in each peak hour.

5.49 OCC Transport has raised no objection subject to the application subject to S106 contributions and appropriate highway conditions being attached to any permission granted.

5.50 Previous appeal Inspectors have recognised that the village features a limited range of facilities and services, including a community shop, public house, village hall, church, and a private primary school and have found that the sites would help to maintain its vitality by supporting its services and facilities.

### **Flood Risk/Drainage/Water Supply**

5.51 The application is accompanied by a Flood Risk Assessment (FRA) which advises that the application site lies within Flood Zone 1, and therefore at the lowest risk of fluvial flooding. All other sources of potential flooding are at a low to negligible risk. As such, the proposed residential use is appropriate on the site and would not increase flood risk elsewhere. Surface water run-off is proposed to be disposed of within an infiltration basin to the north of the site, with additional attenuation provided within permeable paving. Further SuDS features would also be incorporated into the detailed design of the proposals and outlined in full at reserved matters stage.

5.52 The LLFA has no objection to the application subject to drainage conditions being attached to any permission granted.

5.53 In respect of foul water drainage, the proposed development would be provided with a foul water gravity network which will discharge into the existing Thames Water foul sewer on London Lane. Thames Water (TW) has advised that Milton-Under-Wychwood STW is currently being upgraded to accommodate this and other development in the catchment. The upgrade works are due to be completed by April 2025 and as such TW feel it would be prudent for a condition to be attached to any planning approval to ensure occupation does not take place before the upgrade works are completed.

5.54 Whilst 'Windrush against Sewage Pollution' has raised concerns regarding foul drainage, a recent appeal Inspector (APP/D3125/W/23/33175120) noted that TW have an obligation under the Water Industry Act to provide foul drainage connections and necessary capacity within the network to accommodate new development. Whilst he acknowledged the concern of residents regarding existing capacity issues, he held that it would not be reasonable to require the scheme for 40 dwellings to mitigate existing issues. Instead, he advised that it must be assumed that TW will meet its statutory obligations and he was satisfied that a condition could be used to prevent occupation of the development until such time as capacity is available.

5.55 In terms of water supply, the applicant has submitted a clean water supply report which confirms that there is sufficient capacity to supply the first 10 properties, but modelling will be needed to confirm whether any reinforcements are required to deliver the capacity for 40 dwellings. This would be undertaken should permission be granted. TW has identified an inability of the existing water network infrastructure to accommodate the needs of this development

proposal and as such has recommended that an appropriate condition is attached should permission be granted.

### **Residential Amenity/Noise**

5.56 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, noise and disturbance can be considered.

5.57 The submitted Noise Assessment concludes that no additional mitigation is required for the proposed dwellings across the site, in order to achieve the internal noise criteria beyond that expected from standard building fabric and no mitigation is required to meet aspirational criteria within external amenity areas associated with these dwellings. The calculated change in noise levels as a result of vehicles using the proposed access road at the nearest existing (and permitted) dwellings is calculated not to be significant. As such, noise impact, either on proposed or existing dwellings, does not prevent this site from being suitable for residential development.

5.58 The Council's Environmental Health Officer has no objection in principle to the application subject to appropriate conditions being attached to any permission granted to protect the amenity of the locality, especially for people living and/or working nearby. Conditions are also recommended in respect of contamination and air quality.

### **Trees/Biodiversity**

5.59 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity.

5.60 The submitted Arboricultural Report and Tree Condition Survey, concludes that the proposed development will result in the loss of four trees, which are considered to be poor quality or unsuitable for retention, and the loss of these would not impact upon the appearance of the local or wider landscape. The proposed residential dwellings and associated infrastructure within the submitted illustrative layout are located outside of the Root Protection Area of all retained trees and set at a distance from the tree crowns. As such, the retained trees would not impact upon the amenity of future occupiers and provision is made for future growth of these.

5.61 This application is accompanied by a Preliminary Ecological Appraisal (PEA), alongside further ecological surveys undertaken on the site. The PEA concludes that there are no statutory designated sites within the search area, and whilst the site does fall within the impact zones for the Wychwood SSSI, none of the proposed works fall within the risk categories. The hedgerows around the perimeter of the site are considered priority habitat, and the majority of the land within the site comprises modified grassland, with hardstanding, scattered trees and a small area of woodland. There is an existing pond on the site and an Environmental DNA (eDNA) analysis of the pond has been undertaken. No presence of Great Crested Newts were found at the pond and it is unlikely, due to its condition, that the pond would support a population over time. In respect of bats, the majority of buildings on site were deemed to have a negligible bat roosting potential, other than one barn, which had a low bat roosting potential. This building was subsequently surveyed. The site also has a low potential for foraging and commuting common pipistrelle bats. Based on the indicative landscape proposals, the scheme includes an increase in mature trees, hedgerows and grassland of a greater species diversity than the existing. This



therefore provides further foraging opportunities for bats. In regard to Biodiversity Net Gain, the proposals would enhance the biodiversity value of the site, and would deliver a BNG of 50%, which is a significant enhancement on existing baseline situation. Overall, there would be no impact to the nearby Wychwood SSSI, or any protected species as a result of the proposals. Detailed ecological enhancements will be specified at reserved matters stage, however the development would deliver a 50% biodiversity net gain, which represents a significant enhancement, exceeding local and national planning policy requirements.

5.62 Natural England has no objection and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is referred to.

5.63 The Biodiversity Officer (BO) has commented that further information is needed to assess the potential implications to biodiversity:

*Whilst the submitted metric and biodiversity net gain assessment report indicates a measurable biodiversity net gain can be achieved on-site, it is not currently possible to assess whether the submitted information is correct. In order to assess whether a net gain can be secured a proposed habitat plan will need to be submitted. The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable and the area of each habitat type should be quantified in hectares (although in this instance I would be satisfied with m2 given the existing habitats have been shown in this way). If the above cannot be resolved, refusal is recommended for the following reason: Insufficient information has been submitted to demonstrate a measurable biodiversity net gain can be secured therefore, the proposal is contrary to local plan policy EH3.*

## **Sustainability/Climate Change**

5.64 The submitted Energy and Sustainability Statement advises that the early stage proposed energy strategy for the proposed scheme is to use a highly efficient Air Source Heat Pumps as the main heating and DHW system, alongside advanced energy efficiency fabric measures and Mechanical ventilation with heat recovery (MVHR), to meet the carbon emissions reductions target. The proposal is to build traditional construction, built to best practice u-values and air tightness, far surpassing Part L 2021 requirements. Full Mechanical ventilation with heat recovery (MVHR) and natural ventilation will meet Part F requirements.

5.65 The CNLB recommends that planning conditions should be imposed to ensure that the recommendations contained within the Energy and Sustainability Statement are secured and delivered by any subsequent developer.

## **SI06 Contributions**

5.66 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.67 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.68 Matters relating to the provision of recreation, play areas and open space will also be secured via the legal agreement together with required monitoring costs. A contribution of £71,600

towards enhancements and improvements to sports facilities within the catchment area is required.

5.69 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below:

OCC seeks:

£45,320 towards public transport services (For the retention/improvement of bus services in Ascott-under-Wychwood)

£1,502 towards public transport infrastructure (For two new poles, flags and timetable cases at The Green bus stops)

£35,000 towards public rights of way (for mitigation measures on footpath 111/15/10 and others in the vicinity for surface, signing and other mitigation measures).

£233,928 towards secondary education capacity serving the development

£17,948 towards special school education capacity serving the development.

£3,758 towards the expansion and efficiency of household waste and recycling centres.

5.70 In terms of health care, comments from the NHS are still awaited.

## **Conclusion and Planning Balance**

5.71 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

5.72 The site is located adjacent to the village of Ascott-under-Wychwood which previous appeal Inspectors have recognised features a limited range of facilities and services, including a community shop, public house, village hall, church, and a private primary school which new housing development would help to maintain its vitality by supporting its services and facilities.

5.73 Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted

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

5.74 This development comprises major development within the Cotswolds National landscape (AONB). As set out in the Framework in AONB's permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It is acknowledged that there are clear benefits arising from this development including economic and social benefits and that significant weight should be afforded to the benefit of additional housing delivery in this location including the provision of affordable housing. Nevertheless, this must be weighed against the harm to public interest by virtue of harm to the landscape and scenic beauty of the AONB, as identified in the report above. The AONB is a finite resource and, as per the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of

protection in relation to these issues. In addition, exceptional circumstances have not been demonstrated to justify a development of this scale in the AONB. This conflict provides a clear reason for refusing the development.

5.75 As a further consideration, harm to heritage assets is also not in the public interest, as explained in the Framework, these should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations. Again, great weight should be given to the conservation of such assets. This proposal would fail to conserve or enhance the setting and significance of the Grade II\* Church of the Holy Trinity, the Grade II listed Crown Farmhouse and Nos. 9 & 11 The Green and would result in a high level of less than substantial harm, and also a high level of less than substantial harm to the wider rural setting and historic landscape character / pattern which would result in the erosion / loss / legibility of the current linear settlement pattern of Ascott-under-Wychwood.

5.76 In conclusion, it is Officer opinion that having regard to the development plan as a whole and to all material considerations, including a lack of 5-year housing land supply. Policies in the Framework, which protect designated heritage assets and National Landscapes (AONBs) provide clear reasons for refusing the development.

## **6 REASONS FOR REFUSAL**

1. The proposed development comprises major development within the Cotswolds National landscape (AONB) and no exceptional circumstances case has been made to justify this development which would have an adverse impact on the area's natural beauty and landscape and setting of the village. The development would also be of a disproportionate and inappropriate scale to its context and would not form a logical complement to the existing scale and pattern of development or the character of the area. As such, the proposed development would conflict with Policies OS2, OS4, EH1, EH2 and BCI of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, the relevant paragraphs of the NPPF and policies contained in the Cotswolds AONB Management Plan.
2. The proposed development would fail to conserve or enhance the setting and significance of the Grade II\* Church of the Holy Trinity, the Grade II listed Crown Farmhouse and Nos. 9 & 11 The Green and would result in a high level of less than substantial harm, and also a high level of less than substantial harm to the wider rural setting and historic landscape character / pattern which would result in the erosion / loss / legibility of the current linear settlement pattern of Ascott-under-Wychwood and these harms are not outweighed by the public benefits arising from the scheme. Therefore, the proposal does not accord with West Oxfordshire Local Plan 2031 Policies EH9, EH11 and EH13 as well as the guidance contained in the NPPF 2021.
3. Insufficient information has been submitted to demonstrate a measurable biodiversity net gain can be secured therefore, the proposal is contrary to Policy EH3 of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.
4. The applicant has not entered into a legal agreement to provide affordable housing, recreation, play areas and open space and the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, EH5 and T3 and the relevant paragraphs of the NPPF.

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**Date:** 9th August 2023

