

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 11th September 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.

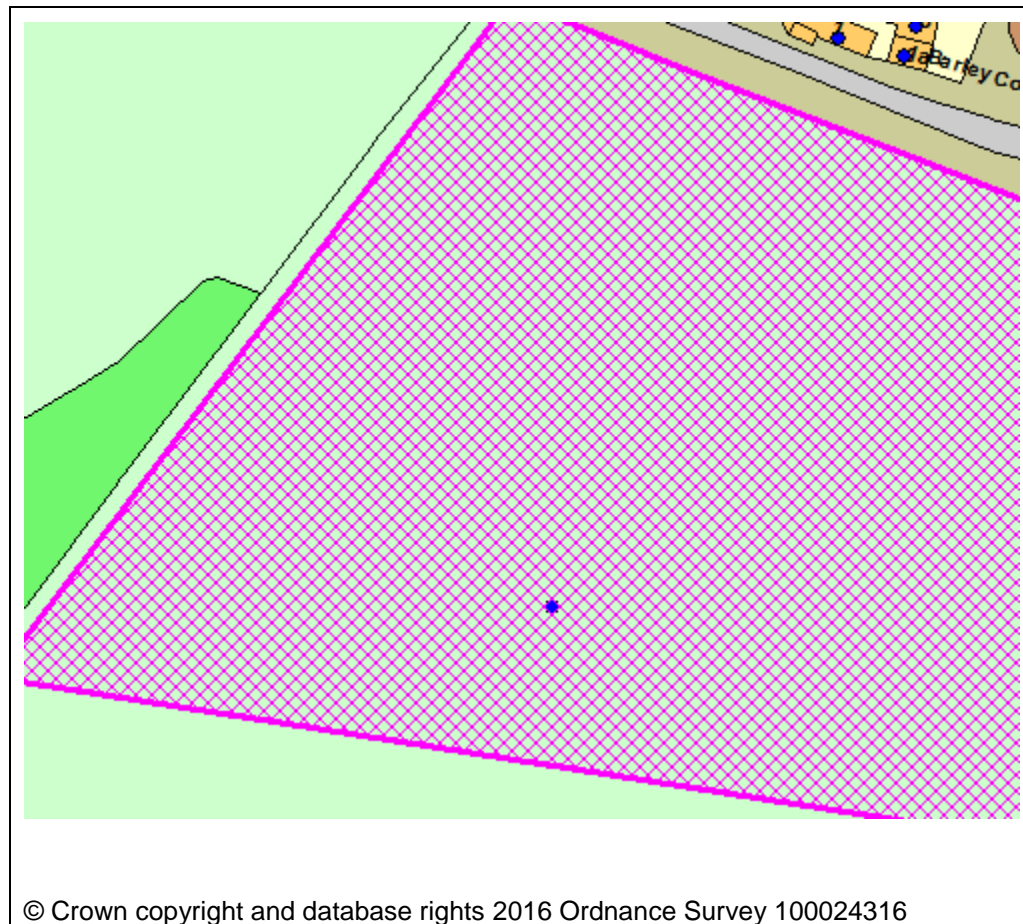
Please note that:

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>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
9 - 48	23/00794/OUT	Land South Of I New Yatt Road	David Ditchett
49 - 55	23/01327/FUL	Barclay House I I Burford Road	David Ditchett
56 - 71	23/01436/OUT	Land To The Rear Of I I O Witney Road	Elloise Street

Application Number	23/00794/OUT
Site Address	Land South Of 1 New Yatt Road North Leigh Oxfordshire
Date	30th August 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	North Leigh Parish Council
Grid Reference	438030 E 212979 N
Committee Date	11th September 2023

### Location Map



### Application Details:

Outline planning application (with all matters reserved except for means of access) for the erection of up to 43 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from New Yatt Road (amended plans)

**Applicant Details:**

Manor Oak Homes  
C/o Agent

**I. CONSULTATIONS**

OCC Lead Local Flood  
Authority

No Comment Received.

Major Planning Applications  
Team

10/07/2023

Highways:

No objection subject to:

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

Highway works: £75,881

Public transport services: £48,719

Public Rights of Way: £15,000

Administration and Monitoring Fee: £4,700

Lead Local Flood Authority (LLFA):

No objection subject to conditions

WODC Housing Enabler

No Comment Received.

Parish Council

20/07/2023

In addition to the original North Leigh Parish Council comment posted on 9th May 2023, we would like to add an additional comment in response to further documentation submitted for this application.

Firstly we repeat our original conclusion that this is an opportunistic and ambitious application proposed at a highly inappropriate location on a greenfield site, which would result in a 40% increase in the housing stock of the village in the last 6 years, which would cause the coalescence of 2 separate villages, and where inadequate sewage treatment capacity and sewerage network can be demonstrated. The residents and Parish Council of North Leigh strongly believe that this application should be REFUSED both at the Lowlands Committee and again at the inevitable appeal hearing.

Sewerage treatment

In Thames Water's letter dated 27th April, they state:

"Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree an infrastructure and phasing strategy for sewage treatment but has been unable to do so in the time available and as such Thames Water request the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development - which is currently scheduled for completion in March 2025 - have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents."

We note that Thames Water's future is uncertain, and as of end June 2023 it was in urgent talks to secure urgent funding. It seems highly likely that the March 2025 deadline for the upgrade of the Church Hanborough Sewage Treatment Works will be deferred and therefore Thames Water will not have capacity to service this new development. The Parish Council insists that under the Grampian Clause, a phasing plan is NOT AN OPTION, but ONLY that there is no occupation until such time as the upgrade of the Sewage Treatment Works have been completed. This would bring the development in line with the Grampian Clause agreed earlier this year at the local Rectory Rise development.

#### Water Mains Pipes

In Manor Oak's Design & Access Statement they state: "An existing water main runs across the site from the southeast corner to the western boundary. This has an easement that would significantly affect the viability of development. As such, the decision has been taken for this water main to be diverted around the periphery of the site, allowing development to take place unconstrained." and "An existing water main and easement runs diagonally through the site which will be re-routed to avoid the developable area. Our drainage engineers have discussed the proposals to divert the water main with the water company who have not raised any objections."

There is no evidence in this planning application that Thames Water has even considered, let alone approved, the diversion of the water main. In the one document so far submitted by Thames Water, they state "the proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or

construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main." And they invite the developer to submit information on how this issue might be addressed for the consideration of the LPA/Thames Water.

As Manor Oak themselves say "this easement would significantly affect the viability of development", we calculate that to comply with the 5m margin approximately 15 of the 43 houses as currently aligned could not be built. There is also no information given on how any sewage, fresh water or other utility pipes would be aligned to avoid building over or construction within 5m of the water mains. There is no information given on how a rerouting of the water mains would allow the appropriate margins required next to the footpath and significant trees on the boundary of the site. This very important issue must be explained in full before the application can be evaluated

#### Foul water sewerage network

We note that there have been problems with over 100 blockages, leakage into surface water channels and also ground and surface water flooding into the sewer networks in North Leigh in the last couple of years and most notably in the adjacent Masons Grove and Shepherd's Walk developments and also the Marlborough Gardens development none of which have yet been adopted by Thames Water. The sewer network North of Green Lane (which possibly has been adopted) and sewers in the Church Road area have all be subject to frequent blockages in the last 5 years. We do not believe that Thames Water will be able to provide suitable sewage capacity for this new development until Thames Water has given evidence that these problems have been rectified, and also that the sites have been adopted by Thames Water. Otherwise it will put additional pressure on an already flawed existing infrastructure.

#### Surface Water

In the Flood Risk Assessment commissioned for Manor Oak by MAC in Mar 2023 (and updated in Jun 2023), it states that the Risk of Surface and Ground Water Flooding is "very low". However these and the adjacent fields have long been known as the "Fields of Springs" where underground water channels run through the clay and arise as springs especially in the winter months and periods of heavy rainfall. Robert Courts MP wrote to the Environmental Agency in Spring 2023 to determine the responsibility for permitting building on the adjacent development at Breakspear Way where the houses have subsidence and damp problems caused by the underground springs, and the resident comments submitted on this application provide many anecdotal cases of this. Thames Water has also expressed concerns that surface water should not be discharged to the public sewer network and to do so would be a material change to the proposal requiring an amendment to the application. Currently surface water

from these fields spills out regularly over the ditch at the northern edge of the site and floods onto the New Yatt Road. Despite the SUDS strategy and now enlargement of the proposed attenuation basin, the built surfaces and urban creep will exacerbate the ground and surface water being displaced into the ditch, into the local sewer network and also into the road which will exacerbate an already dangerous situation and possible pollution for road users and local residents alike

#### Fresh water

Thames Water undertakes to provide a good pressure and flow rate of water to this new development but there have been many instances where this has not been the case in the village. Most recently in 2021/22 residents in the Marlborough Gardens development experienced very low water pressure and slow rate of water supply. Additional housing capacity at this Manor Oak site will just put additional pressure on an inadequate clean water supply network locally. Thames Water needs to demonstrate how they will address this situation.

#### Connecting Footway on south side of New Yatt Road

The current footpath proposal requires pedestrians heading from the site into the centre of North Leigh, to cross to the North side of the New Yatt Road and then cross back to the South side further East. This is dangerous and unnecessary. The ditch running along the South side of the New Yatt Road could be culverted and a pavement built over it funded by the developer, this should be embodied in the S278 Agreement to be entered into prior to implementing development. The S106 amount of £15,000 for Public Rights of Way should be increased and used for this purpose. We had also requested an S278 agreement that the safety and efficacy of the "pinch point" further East on the New Yatt Road be reviewed by OCC in light of the additional traffic that will be generated in the construction of this development (and the numerous HGV vehicles using this route if the Hailey Solar Farm is approved) and by the additional residents of the development in due course. Anecdotally this is felt to be a very dangerous junction, with poor visibility and no mirror or signalling where there have been a number of near-accidents.

#### Bus Service

We note in the OCC submitted documents that an S106 contribution of £48,719 has been allocated to the maintenance and improvement of the bus service in North Leigh. This proposed development is beyond a "desirable distance" to the nearest bus stops. The bus route should be adjusted to accommodate residents if this location is developed.

#### Construction Management Plan

A robust plan must be put in place given the difficulties experienced by local residents for the last 4 years during the construction of the

Shepherds Walk developments.

S106 requests by Parish Council

In our original comment, we requested S106 funding for:

- 25 allotments on the development site - we would like to see a proposal submitted by Manor Oak for where these would be situated
- Funding for the development of car parking elsewhere in the village
- A contribution of £50k towards the construction of the MUGA on the Rectory Rise site in the village

We request written acceptance of these requests and an indication of their willingness to include these terms specifically in an S106 agreement by the developer in advance of the application being considered.

Major Planning Applications  
Team

03/05/2023

Highways:

Objection for the following reasons:

- The planning application has not demonstrated that safe and suitable access for all road users can be provided, as required under the NPPF. Specifically;
- The Highway boundary needs to be confirmed to ensure continuous access between the red line boundary and highway boundary, given the presence of ditches which are not usually within the highway boundary.
- A swept path analysis is required to demonstrate that the largest vehicles expected to require access to the development site can safely access and egress while passing another vehicle.

Lead Local Flood Authority (LLFA):

Objection for the following reasons:

- Surface water catchment plan does not show allowance for 10% urban creep.
- Calculations to be provided.
- Provide ownership details of ditch and consent to discharge surface water.
- Clarify the phasing of the development.

Education:

No objection subject to S106 Contributions:

Secondary education: £233,928



Special education: £17,948  
Total: £ 251,876

Archaeology:

No objection, subject to conditions

Waste:

No objection subject to S106 Contributions: £4,040

Conservation And Design  
Officer

No Comment Received.

WODC - Arts

No Comment Received.

Climate

No Comment Received.

District Ecologist

23/05/2023

Please can you ask the applicant to submit the full copy of the excel BNG metric spreadsheet. The information in the metric should be directly related to the existing and proposed habitats both on and off-site (if required). Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.

27/06/2023

I'm working on the above application and whilst I have no concerns with the level of survey effort and recommendations I do have concerns regarding the submitted metric.

The proposed indicative masterplan clearly shows the inclusion of a SuDS pond however, this has not been included within the metric within the habitat creation tab. Please can you query this with the agent and ask whether this has been missed by mistake or whether this was deliberate. I note an area of 0.07 relating to neutral grassland has been added to the habitat creation tab and relates to a proposed attenuation basin, this is presumably the vegetation to be planted around the SuDS feature.

Can you also ask that a baseline and proposed site map is produced, clearing showing the areas of each habitat type.

13/07/2023

No objection subject to conditions

ERS Contamination

With regards to the above development, I have no objection with regards to air quality.

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

The following report has been submitted with the application.

- Geo-Environmental, Desk Study Report for the site at New Yatt Road North Leigh. 27.01.2023. Reference GE21187/DSRv2/FEB23.

The report outlines the findings of a desk based study and make recommendations for an intrusive investigation. In general the conclusions of the report are supported. 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.

Env Health - Lowlands

Thank you for the opportunity to consult.

I have no objection in principle to the outline application but would ask for a condition similar to the following to be attached to any consent given:-

- i) The acoustic design of all new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- ii) Prior to the commencement of the development a 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 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.

WODC Housing Enabler

26/04/2023

The site is within the medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The Planning Statement includes an Affordable Housing Statement indicating that this requirement will be observed, although provision should be rounded up to 18 dwellings.

Having examined those who are registered on the Council's Homeseeker+ affordable housing lettings system that have indicated North Leigh as an area of preference, I can confirm the following house types are required to meet housing need:

1 Bed (1 person)	45
1 Bed (2+ persons)	11
2 Bed	22
3 Bed	10
4+ Bed	7
Total	95

Applicants can identify up to three locations when selecting their areas of preference. Only when an applicant makes a successful bid to the Homeseeker+ system will their full connection to areas within and the whole of West Oxfordshire be picked up.

The Homeseeker + priority bandings that the applicants fall under are as follows:

Emergency	0
Gold	0
Silver	19
Bronze	76
Total	95

These bands are broadly explained as:

- Emergency = Is in immediate need of re-housing on medical grounds or down-sizing etc
- Gold = Has an urgent medical / welfare need / move due major overcrowding etc
- Silver = Significant medical or welfare needs that would be alleviated by a move
- Bronze = All other applicants not falling into the above categories

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 95 applicants shown above, there are a further 2259 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

A sketch layout is included in the application that shows the affordable homes provided as 1 or 2 bed dwellings. The high number of 1 and 2 beds is appreciated, however an element of 3 / 4 bed homes would be required to assist with this need.

The application proposes that the mix and tenure of the affordable homes are 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.

Of the 95 applicants shown above, 5 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). The planning statement acknowledges that requirement would be met and I request that a layout is provided identifying plots designed to these standards.

At time of writing, application 22/02498/OUT is awaiting decision.

WODC Landscape And Forestry Officer

No Comment Received.

Natural England

No Comment Received.

Oxford Clinical Commissioning Group NHS

No Comment Received.

WODC Planning Policy Manager

No Comment Received.

WODC - Sports

No Comment Received.

Thames Water

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree an infrastructure and phasing strategy for sewage treatment but has been unable to do so in the time available and as such Thames Water request the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development - which is currently scheduled for completion in March 2025 - have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority

liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

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. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

#### Water Comments

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

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

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to

ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

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

Should you require further information please contact Thames Water.

Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

Wychwood Project

No Comment Received.

Parish Council

Note: the yellow notice for this application was originally posted in the wrong location and residents were originally only given 2 weeks (from 13th - 27th April) to comment on the proposal although this has now been extended.

The Parish Council **STRONGLY OBJECTS** to this application. We have received a large amount of correspondence from residents of the village raising their concerns in opposition to this development. Over 30 residents attended a recent Parish Planning Meeting to make their concerns known to us in person. At least 60 residents of the village have emailed Manor Oak directly to object to the proposal (with none in favour of it).

The residents' and our key concerns are as follows:

Excessive building development in the village: The addition of this application would increase the number of houses in the village, 6 years ago there were 700, this development would bring the total to 1,000 which is an increase of 43% resulting in North Leigh hardly being classified as a village now and losing much of its village character.

There is insufficient infrastructure support such as doctors, dentists, school places and public transport locally to support yet more housing in North Leigh and the additional number of cars on the roads (80+ ?) due to the influx of new residents from this development would increase the already dangerous roads in the village.

There are inadequate sewers, surface water and clean water supplies to support this development and a Grampian clause will be required on this proposal to prevent occupation of the houses until there is sufficient sewage capacity at the Church Hanborough sewage works. This means that the proposal will not be completed in time to make a contribution to the current 5 year land plan in West Oxfordshire anyway.

This is a greenfield site which is not an infill site and was never designated as a possible building site in the adopted local land plan. It

is farmland grazed by sheep and horses and acts as a wildlife corridor between the villages for diverse wildlife including barn owls and other birds of prey, birds, hedgehogs, amphibians etc.

Coalescence between North Leigh and New Yatt: The proposal of a housing development at this location, this would result in the narrowing of the green gap, coalescence of North Leigh with New Yatt, further eroding the village character and the perception of there being 2 separate villages. It would be unreasonable to push this application through purely due to the tilted balance caused by the shortfall in the 5 year land plan, especially as such housing parameters are expected to be amended later in 2023.

In relation to the EXISTING green gap between North Leigh and New Yatt, the inspectorate in the appeal for the adjacent Bellway site (Appeal Decision APP/D3125/W/15/3136376) stated "I am not persuaded that there would be any perception of the coalescence of the two settlements, with a substantial green gap remaining between them and a clear sense of departing from one settlement, walking across open countryside, and arriving at another." And "North Leigh does not really begin until one is past Arden and The Chalet and has rounded the bend. The fields either side of the road here make an important contribution to the sense of separation between the two settlements.". If this development is approved, the "hard edge" of the village would be extended beyond Arden and the remaining green gap would be completely eroded with no remaining sense of separation between the two villages and a perception of coalescence between them. This is unacceptable, the existing green gap MUST remain to demarcate the 2 settlements

The WODC Lowlands Area Planning Sub-Committee on 27th February 2023, refused planning application number: 22/01384/OUT Land North East of Ducklington Farm Course, Hill Lane, Ducklington. A specific consideration in the refusal was the question of whether the proposed development would sit in Ducklington or Witney with the inference being that it would add to coalescence between those 2 settlements.

Design and density of the housing development: This is a purely speculative application for planning permission by a non-local land promoter who is not familiar with the site or location in North Leigh. The proposal shows outline details only and a much more substantial proposal would need to be clarified by any future developer of the site including building materials, layout etc.

The original proposal at Manor Oak's exhibition in November 2022 indicated 38 houses which was already at a very high density for local standards, we note that this has now increased to 43 houses. As there are no local transport options and residents will need to rely on cars, there are insufficient car parking spaces in the current design. More



car parking spaces should be added and the number of houses reduced.

In the November 2022 exhibition held by Manor Oak, it was stated that "an existing water main and easement runs diagonally through the site which will be re-routed on the southern side of the site" and "the water company have not raised any objections" (presumably Thames Water). We would like to understand the proposal for the relocation of the water mains as there are concerns it will impact the footpath to the south of the site and/or the existing/new trees planted there.

Access road, paths and poor road safety: The New Yatt Road in the vicinity of the entrance to the site is already very dangerous. There have been 2 accidents reported by OCC Highways in the last year and at least 3 or 4 more as well as many near misses witnessed by residents who also report that a car was written off near "Arden". There are also incomplete paths on either side of the New Yatt Road and with the current arrangement residents are required to cross to the North Side of the Road when walking into the village and then cross back to the South side a bit further along. The problems are compounded by cars frequently parking on or adjacent to the pavements here blocking the road for pedestrians, cyclists, horse riders as well as narrowing the road for vehicles.

The traffic survey data being used in this application is also 12 years old and therefore unreliable.

It is not a safe environment for children walking to the village school and if this application is granted there should be an S278 agreement put in place for the construction of a full pavement on both sides of the road for the entire length of this stretch of the New Yatt Road.

There is also a one-way system "pinch point" in operation to the East of the site access of which we have received numerous complaints about poor visibility and OCC should review the safety and efficacy of this arrangement in the light of all of the additional traffic that would be generated by the construction and then occupation of this housing development.

HGV vehicles and construction trucks and disruption due to building works: During the construction of the Bellway sites, on average 66 trucks per day came to the site and would be driving through the village and we would expect similar levels if this application is approved. This must be considered in conjunction with the predicted 4,000 HGV vehicle journeys required to supply equipment to the proposed Hailey Solar Farm (23/00760/SCREEN) which has designated North Leigh as its access route to the site. This amount of additional traffic is unacceptable and must not be permitted.

The construction trucks for Bellway did not have a turning facility

within the site resulting in dangerous manoeuvres on the road and there were inadequate washing facilities for the vehicles so that the roads became covered in mud and dangerous and the road surface was destroyed. The village residents in this area have only just recovered from the impact of 4 years of the noise and mess of construction at the adjacent Bellway site and would find it difficult to tolerate a repeat of this situation (it would be nearly a decade for them of living by a building site). Given the increased trend for "working from home" they have requested that construction hours are restricted from 9am - 4pm on Monday to Fridays and there is no working on Saturdays at all.

Sewerage capacity and clean water supply: The Rectory Rise development in North Leigh has had a Grampian Clause imposed so that no house can be occupied until sufficient Sewage treatment capacity can be demonstrated at the Church Hanborough Sewage Works. The same Grampian clause of no occupation must be imposed if this application is approved also. Otherwise sewage from this site will result directly in a proportional increase in sewage flows into the Evenlode river.

We understand that the sewer network in the adjacent Bellway sites on both sides of the road have not been adopted from the developer by Thames Water at this time and the responsibility for maintenance of the sewers in this vicinity has fallen into the void. There have been many documented incidents of sewage leaks around this end of the village including in gardens of houses on the New Yatt Road, outside Verdant House in Green Lane and in the field beyond, in the garden of Ferndale and the adjacent Goodman's Yard, in various houses on Masons' Grove and also in Church Road. There have been blockages caused by nappies and waste paper but also builders' rubble. Thames Water must urgently address these problems before they sign off on providing any additional capacity in the area

Elsewhere in the village there are many reported problems with low pressure and low flow rates of clean water, again Thames Water must address these problems before signing off on yet more housing capacity.

Surface Water problems and springs: The fields in this area are at the top of a hill with clay soil and many springs run through them. Whilst the flood risk assessment filed on the WODC portal concludes that the flood risk is "low impact" local residents know this not to be the case. There is a constant problem with surface water draining out of Bellway and down to Green Lane (an old Roman road) eroding its surface, there is run off along the New Yatt Road past the Whitehill Bungalow. Paving over this site will mean that a lot of surface water will be unable to soak away and will be displaced. It is unlikely that the SUDS arrangements will be sufficient to contain the flows of water in heavy rainfall which will result in overspill onto the New Yatt Road

and beyond, further worsening traffic issues there. The surface water drainage also flows into the local sewers worsening all of the sewerage capacity problems detailed above.

The MP Robert Courts wrote to the Environment Agency in March 2023 on behalf of residents of Breakspear Way to determine the responsibility for permitting housing on the adjacent field. This adjacent estate has ongoing subsidence problems, problems with foundations and cracked walls, flooding to gardens, water seeping through walls through the pointing and damp. Remedial work is ongoing. This new development is proposed on very similar terrain and will no doubt experience similar problems.

Views & footpath: There are attractive views from the footpath at the South of the site towards Wilcote and construction on this site will destroy the view in this direction for ever. It is also not clear from the plans how the development will impact the footpath itself, clarification is needed.

Biodiversity: There are remnants of ancient woodland (Wychwood Forest) to the east of the site and these are not identified as such in the biodiversity assessment, hence the compensation calculation does not start at the correct baseline level when making calculations.

Archaeology: No archaeological remains have been found at this site but we note it is very close to Green Lane (a Roman road) and the Roman villa located at Shaken Oak. The map that has been submitted in the archaeological assessment has been submitted back to front and is impossible to draw conclusions from it.

Pollution: We note that the pollution consultation has requested an "intrusive investigation" and request clarification of what this is for.

Light Pollution: North Leigh residents support a "dark skies" policy and this additional development would add substantial light pollution to the village.

In summary this is an opportunistic and ambitious application proposed at a highly inappropriate location and it should be REFUSED both at Lowlands Committee and again at the inevitable appeal hearing.

If this proposal is however approved, the Parish Council would request the following remediation measures in the form of S106 contributions and other conditions:

S106 contributions for:

- 25 allotments on the development site
- The rental or purchase of land plus refurbishment costs for additional parking in the centre of the village

- an S278 agreement should be put in place for the construction of a full pavement on both sides of the road for the entire length of this stretch of the New Yatt Road so that children can walk to the school safely
- £50k contribution to the MUGA now confirmed at the Rectory Rise site in the village
- £50k contributions to the cycle path between Park Road and Common Road along the A4095

In addition:

- a Grampian clause will be required on this proposal to prevent occupation of the houses until there is sufficient sewage capacity at the Church Hanborough sewage works and problems in the local sewer network adjacent to the site have been addressed
- A review of the safety and efficacy of the one-way system "pinch point" in operation to the East of the site access by OCC Highways department

## 2. REPRESENTATIONS

2.1. 35 third party objection comments received summarised as follows:

Mains water pipes running through site

Speculative application

Flooding

Sewage

Lack of parking

Access

Highway safety

Impact to ecology

Underground springs

Coalescence between North Leigh and New Yatt

Impact to trees

High density

Damage to road during construction

Detract from the rural nature of the area

Impact to Public Right of Way

Increased risk of accidents

Poor pedestrian links and crossing areas

Impact to cyclists by increased traffic on poor roads

Impact to amenity

Impact to landscape

Loss of green space

Light pollution, air pollution and noise pollution

Questions the need for housing

Current infrastructure is struggling to cope

Overlooking

There must be a limit to the development

Loss of views  
Poor existing drainage  
Poor quality existing roads  
The school in North Leigh is already oversubscribed  
Impact to protected species  
North Leigh is now 40% larger in a few years  
Dense, hard edged and urban  
GP waiting times in Witney are already around 6 weeks  
Detrimental effect well-being, both physical and mental  
Site provides a green buffer  
Too many smaller homes proposed  
Overdevelopment  
This field is not in the West Oxfordshire housing development plan  
Disruption during construction  
Loss of community  
Cumulative impact of housing in North Leigh  
Not infill  
Data from the census of 2011 to describe Trip Generation including the Method of Travel to Work which is 12 years out of date  
Poor design  
Not a sustainable location  
The Planning Inspectorates decision for the adjacent Gladman/Bellway development, paras 16-18, states that the Gladman/Bellway development "lies beyond North Leigh's 'Limits of Development'  
Destroy the historical woodland of Wychwood forest adjacent to the plot  
The estate next to this site has had and continues to have subsidence problems with underground springs causing cracked walls, flooding to gardens, water seeping through walls through the pointing and damp. Remedial work is ongoing residents fear the long-term effects on their foundations and subsidence.  
Working hours should be reduced  
Reliant on cars  
Lack of Public transport and local opportunities

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

3.1 The applicants Planning Statement concludes as follows:

3.2 The application site comprises greenfield land located outside but immediately adjacent to the built-up area of North Leigh. The Council is unable to demonstrate a 5 year supply of deliverable housing land such that the presumption in favour of sustainable development is engaged.

3.3 The proposals would result in development outside the existing built-up area but would meet identified housing needs in one of the most sustainable villages and in a manner that would respect the character and local distinctiveness of that village. By reason of its proximity to existing infrastructure, services, and facilities and being surrounded to the east and north by existing development, the site represents a suitable and natural location for further development, for which there is a need given the current delivery problems at the district level. The proposals would broadly accord with strategic development Policies OS2, H1 and H2 and fully accord with the Eynsham-Woodstock sub-area strategy of Policy EW10, in addition to the general principles of Policy OS2.

3.4 The proposals would result in some limited adverse local landscape and visual effects, but these would reduce over time and would not erode or harm the intrinsic beauty or special qualities of key landscape characteristics of the area. There would therefore be some conflict with Policies OS2, OS4, EH2 and EH9 in this regard but only limited weight can be afforded to this conflict due to the limited and localised nature of the harm.

3.5 The construction stage of the development may bring with it some effects which are short-term, temporary in nature, and localised to the site and immediate area. However, best practice measures would be put in place to mitigate any adverse temporary impacts in terms of noise, the operation of construction traffic, plant and machinery or the management of any other related disturbance or nuisance. This is likely to include controls on working hours and dust suppression measures. These could all be agreed as part of a construction management plan secured via a suitable planning condition.

3.6 While the tilted balance applies in any event in this case, the weight to be afforded to the benefit of market and affordable housing, and the corresponding weight to harm resulting from conflict with policies which restrict the supply of new housing, will depend on the extent of the shortfall. In this case, the housing land supply in West Oxfordshire is just 4.1 years. This is a significant shortfall to which considerable weight must be attached. As such, it follows that the weight to be afforded to the benefit of new housing must be considerably increased, and the weight to conflict with the most important policies must be decreased accordingly.

3.7 On the other side of the balance, the proposals would provide for the following significant and far-reaching benefits:

<b>Benefit</b>	<b>Weight</b>
Economic Benefits	Significant
Delivery of housing within 5 year period	Very Significant
Delivery of open market housing	Very Significant
Delivery of affordable housing	Very Significant
Delivery of green infrastructure	Moderate
Local infrastructure provision	Some
Wildlife and biodiversity enhancements	Significant
Carbon Reduction Measures	Some

3.8 The extent of the housing supply shortfall is chronic and it is likely to persist for the foreseeable future given the absence of an up-to-date Local Plan capable of providing a resolution to the issue. The Council need to address this shortfall immediately by allowing sustainable development to come forward and boost the supply of housing. Unless they do so, delivery will continue to stall, and the affordability gap will widen.

3.9 It is considered therefore that the identified harm relating to landscape does not come close to significantly and demonstrably outweighing the benefits of the provision of 43 homes, including 17 affordable homes, in a district with a chronic shortfall in housing supply, in a sustainable location at the edge of a sustainable large village. The balance clearly weighs in the favour of the grant of planning permission on the basis of housing delivery alone. However, as explained above, the scheme would in addition to the delivery of new housing also deliver other significant economic, social and environmental benefits. In this case it is considered that the 'tilted balance' tips firmly in favour of the proposals. Accordingly, the planning application should be considered favourably, and planning permission should be granted.

## **4. PLANNING POLICIES**

H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
H6NEW Existing housing  
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  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH4 Public realm and green infrastructure  
EH5 Sport, recreation and childrens play  
EH7 Flood risk  
EH8 Environmental protection  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
DESGUI West Oxfordshire Design Guide  
NPPF 2021

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

## **5. PLANNING ASSESSMENT**

5.1 The proposal is an outline application (with all matters reserved except for means of access) for the erection of up to 43 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from New Yatt Road.

5.2 The application relates to a greenfield site located on land to the south of New Yatt Road North Leigh. The Planning Statement explains that the site is currently used as paddock for grazing horses. However, officers did not see any evidence of horses using the field on three site visits.

5.3 The site is irregular in shape and comprises the northern portion of a larger broadly rectangular field that extends southwards from New Yatt Road. Access is gained via an existing field gate in the north eastern corner of the site. The site boundaries are marked by mature mixed species hedgerows and interspersed with tall, hedgerow trees. The western edge is defined by dense copse planting and mature trees and hedgerows. The southern boundary is marked by a public right of way (PRoW 312/23/30) running east-west through the centre of the field.

5.4 The site is not the subject of any national or local landscape designations nor is it a valued landscape. It lies in the Wychwood Uplands as defined in the West Oxfordshire Landscape Assessment 1998 and the Cotswolds Area of Outstanding Natural Beauty (AONB) is located circa 2km to the north.

5.5 There are no listed buildings, conservation areas or Scheduled Ancient Monuments within 400m of the site.

5.6 There is no planning history for the site itself. However, an application for up to 76 Dwellings (ref 15/01934/OUT) on the field to the east was refused by the LPA on 21.08.2015. The subsequent appeal was allowed on 02.11.2016. A further application for up to 40 dwellings (ref 16/01902/OUT) to the north of the site was approved by the LPA on 29.03.2017.

5.7 The application is before Members of the Lowlands Area Planning Sub Committee as North Leigh Parish Council have objected to the proposal.

5.8 Officers received requests from the Local Member and North Leigh Parish Council requesting that the application be heard at September committee, as several interested parties could not attend the August committee. To ensure the community of North Leigh is adequately represented when the application is decided by Members, officers moved the application to the September committee. At the August committee Members agreed to visit the site on 11/09/2023.

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

Principle of Development;  
Siting, Design, Form and Landscape Impact;  
Highway Safety;  
Accessibility;  
Drainage and Flood Risk;  
Trees and Ecology;  
Residential Amenities;  
Sustainability;  
Affordable Housing;  
SI06 matters;  
Other Matters; and  
Conclusion and Planning Balance

## **Principle of Development**

### *Development Plan*

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

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

5.12 North Leigh is identified as a 'village' in the settlement hierarchy of the Local Plan and policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.



5.13 Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances.....

*'On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.*

5.14 Policy H2 would permit new homes on undeveloped land adjoining the built up area where there is convincing evidence to demonstrate it is necessary to meet identified housing needs, it is in accordance with the distribution of housing (in Policy H1) and it is in accordance with the other local plan policies, particularly Policy OS2.

#### *National Policy*

5.15 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

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

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

5.17 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (Identified in footnote 8).

5.18 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. However, in a recent appeal at Land north of Cote Road, Aston for the erection of 40 affordable homes, the LPA agreed that the housing land supply position is somewhere between 2.56 - 3.14 years. As such, the provisions of paragraph 11(d) of the NPPF is engaged and the housing shortfall is significant.

5.19 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

## Siting, Design, Form and Landscape Impact

5.20 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.21 Policies OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the NPPF.

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

*Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*

*Form a logical complement to the existing scale and pattern of development and/or the character of the area;*

*As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;*

*Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;*

*Conserve and enhance the natural, historic and built environment; and*

*Be supported by all the necessary infrastructure.*

5.23 North Leigh is identified in the West Oxfordshire Design Guide as having a 'Linear' settlement pattern. The Design Guide explains that it is a 'Village located in the east of the District, in a fairly open setting. Dense linear infill strongly binds together the previously dispersed parts, but southward growth is constrained by Eynsham Park. Detached hamlets remain at Wilcote (compact) and East End (linear)'.

5.24 Objection comments noted that the Planning Inspectorates decision for the adjacent Gladman/Bellway development (ref 15/01934/OUT), paragraph 18, states that the Gladman/Bellway development 'lies beyond North Leigh's Limits of Development'. The term 'Limits of Development' is not within the current Local Plan so does not apply to this scheme. Nonetheless, the spatial arrangement is broadly similar between the Gladman/Bellway development and the current scheme before the LPA. This is because the current scheme proposes to extend the village envelope on the south side of New Yatt Road further to the west than currently exists. Nevertheless, the site has recently completed built form to the east and north. While some extension beyond the existing built form does occur therefore, officers are of the view that it is restrained by built form to the east and north. This mitigates the impact the scheme has on the character of the village, as it appears more of a natural village extension than an isolated extension into open countryside and maintains its linear pattern.

5.25 As noted under Policy OS2, North Leigh is suitable for limited development, which respects the village character and local distinctiveness. The term 'limited' is not defined in the Local Plan but the scheme for 43 dwellings would be considered limited. Having regard to the recently completed developments in the area and objection comments raising concerns that North Leigh has grown by some 40 % in the last decade. OS2 requires development to be 'of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality'. Officers are mindful of the cumulative impact of the development however, as this scheme appears as a natural extension to the village, officers are satisfied that it forms a logical complement to the existing scale and pattern of development. Moreover, it is limited when taken in isolation and as it is just for 43

dwellings and officers consider it to be proportionate and appropriate scale to its context and that the cumulative impact of the development is acceptable.

5.26 It is considered that there could be an impact on the social and community cohesion of the village. This has been recognised by Inspectors as a genuine concern in cases where the size of the village has rapidly expanded in recent years beyond planned levels. In this specific case it could be argued that the development would have a detrimental cumulative effect on social and community cohesion in conjunction with other housing constructed or with planning permission in the village. However, in the context of a significant shortage in housing land supply to meet market and affordable housing needs, officers consider that is outweighed in the planning balance.

5.27 Several comments raised concerns regarding coalescence between North Leigh and New Yatt. This was also considered by the Inspector for the adjacent development of 73 homes. The Inspector stated in paragraph 35 that (while walking) 'I am not persuaded that there would be any perception of the coalescence of the two settlements, with a substantial green gap remaining between them and a clear sense of departing from one settlement, walking across open countryside, and arriving at another'. The Inspector stated in paragraph 36 that (while driving) 'Given the speed at which one passes from New Yatt to North Leigh by vehicle, the advancement of development so far along New Yatt Road at this point would, in my judgment, give rise to some harm insofar as there would be a diminution of the sense of passing between two distinct villages'.

5.28 While each application is assessed on its merits, similar conclusions could be drawn in this case. On the south side of New Yatt road, other than one isolated dwelling (Whitehill Bungalow) some 400m of open green space would be left between New Yatt and the new dwellings. As such, a sufficient gap remains to the south to prevent the appearance of coalescence. As the current scheme is broadly in line with built form to the north of New Yatt Road, the proposed scheme would have a limited impact on the existing gap between the settlements from the north. Officers are of the same opinion as the Inspector that when walking, there is no appearance of coalescence and thus no harm, but while driving there would be some appearance of coalescence and thus some limited harm.

5.29 Moving to the impact on the landscape, while the development is not harmful to the setting of the AONB as it is over 2km away, it is considered to cause localised harm to the landscape. The application site contributes to the rural ambience on the approach to North Leigh from the west. In that regard the site contributes to the rural character of the village. As the proposed development extends into open countryside to the west and south it would fundamentally alter the land character from rural to urban in this location. Views from the nearby PRow's would change and owing to the topography, the new dwellings would break the skyline. These issues were also considered by the Inspector for the adjacent development of 73 homes and ultimately, were found to be acceptable in the planning balance. This issue is addressed in the planning balance below, but nonetheless, when considering the change from rural to urban along with the affected views from the PRow, the change to the skyline and the appearance of coalescence as set out, the scheme would conflict, in part, with policies OS2 and EH2.

## **Highway Safety**

5.30 This application is in outline with all matters reserved except access. OCC Highways initially objected to the scheme. However, following amendments to the access, OCC have now removed their objection.

5.31 Officers note the comments relating to congestion, recent accidents, condition of the roads and delays through increased traffic and construction. However, the scheme is for 43 dwellings and we rely

on the County Council as the specialists to advise the LPA in these matters. OCC have assessed the scheme and are not objecting.

5.32 The application is in outline and seeks to approve an access to the site. OCC Highways are satisfied with the access as proposed and the likely highway safety impacts. The remaining points raised could be controlled at reserved matters stage and condition discharge submissions, through an appropriately worded clause in the planning obligation, and to enter into a S278 agreement to mitigate the impact of the development. As the specialist highways officers at OCC, their opinion carries significance weight and they raise no objection. As such, the development is safe in highway safety terms and there are no highway safety grounds for refusal.

### **Accessibility**

5.33 The submitted illustrative masterplan shows how the proposed development would link to the existing transport network. An access is proposed onto New Yatt Road to the north. A footpath is proposed that would link to the existing footpath network.

5.34 The Town and Country Planning Association (TCPA) defines 20 minute neighbourhoods as 'The 20-minute neighbourhood is about creating attractive, interesting, safe, walkable environments in which people of all ages and levels of fitness are happy to travel actively for short distances from home to the destinations that they visit and the services they need to use day to day - shopping, school, community and healthcare facilities, places of work, green spaces, and more'. In short, key services and facilities should be within a 20 minute round trip when walking.

5.35 Officers are aware that the Local Plan does not contain suggested acceptable/sustainable walking distances in relation to new development and access to goods/services. However, 20 minute neighbourhoods' have been gaining momentum for several years. Research (see TCPA publication '20-Minute Neighbourhoods Creating Healthier, Active, Prosperous Communities An Introduction for Council Planners in England') shows 20 minutes is the maximum time that people there are willing to walk to meet their daily needs. A 20-minute journey represents an 800 metre walk from home to a destination, and back again (10 minutes each way).

5.36 Officers are mindful of the distance between the site and the key services and facilities found in North Leigh. However, The Masons Arms (pub), North Leigh Post Office/Convenience Store, and North Leigh C of E Primary School are all within the 20 minute guidance. Also, the nearest bus stop is at The Masons Arms. In that regard the proposal would meet the definition of a 20 minute neighbourhood and public transport options are also available in reasonably close proximity to the site. In that regard the proposal is considered to be a sustainable site when factoring in distances to key services and facilities and the scheme accords with Local Plan Policies T1 and T3, and the NPPF in that regard.

### **Drainage and Flood Risk**

5.37 The site is within flood zone I and the Lead Local Flood Authority (LLFA) at OCC have not objected to the scheme. A drainage scheme will be secured by condition.

5.38 Thames Water (TWA) have also raised no objection however, they are requesting a condition relating to foul drainage as they acknowledge that insufficient capacity exists in the network. This condition ensures that the development cannot be occupied until confirmation is received from TWA that sufficient capacity exists in the network and will be applied.

5.39 Thames Water explained that a water main runs through the site and dwellings cannot be built within 5m of the pipe. While this is noted, the moving of the water mains is for the developer to agree with Thames Water. Moreover, Thames Water as the Statutory Undertaker have powers afforded to them to move the main. As such, it is not a planning consideration for this application.

5.40 Officers note the comments relating to underground springs in the area. However, officers have not been provided with any evidence (such as structural/insurance reports) to that effect, only anecdotal reasons why there is damp and/or subsidence to dwellings in North Leigh. As such, officers cannot give this any weight in the assessment.

5.41 Officers are satisfied that the proposed development will not increase risk of flooding at the site or elsewhere and issues relating to foul drainage and water can be controlled by condition.

### **Trees and Ecology**

5.42 Local Plan Policy EH3 (Biodiversity and geodiversity) states 'the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

5.43 Paragraph 180 of the NPPF sets out a clear hierarchy for proposals affecting biodiversity. The hierarchy is to firstly, avoid harm; secondly, where this is not possible, to mitigate any harm on-site; thirdly, as a last resort, to compensate for any residual harm.

5.44 The submitted report confirmed habitats on-site are widespread and common habitat types, providing limited opportunities for protected and priority species. Also, the applicants ecologist did not report any direct evidence of protected or priority species using the site but did confirm boundary features offered suitability for nesting birds and hedgehogs, boundary trees offered potential roosting features for bats and badgers can commute and forage across the site. The boundary hedgerows will be retained as part of the development (with the exception of approximately 20m of hedgerow to facilitate access). Section 6 of the submitted report includes appropriate mitigation, including hedgerow and tree root protection measures, which will be secured by condition.

5.45 The submitted Defra BNG 3.1 metric has demonstrated a measurable biodiversity net gain can be delivered on-site as part of the development (25.43% habitat units and 30.83% in hedgerow units). The scheme therefore will result in biodiversity net gain at the site.

5.46 The invasive species Variegated yellow archangel is included under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This species has been identified and located within the undergrowth of hedgerow H1 at the north-west corner of the site. An appropriate removal method statement will need to be submitted to the LPA.

5.47 Overall, the proposals would meet the biodiversity hierarchy as set out in Paragraph 180 of the NPPF. This is subject to further details that could be controlled at reserved matters and condition discharge submissions. As such, the proposals would have an acceptable effect on biodiversity and the proposal accords with Policy EH3 and the NPPF in that regard. Indeed this is also the opinion of the Council's Biodiversity Officer who raises no objection, subject to conditions, which will be applied.

## **Residential Amenities**

5.48 As this application is outline, the size, position, orientation of dwellings are not being assessed. However, noise and disturbance can be considered. A number of objectors have referred to noise, disturbance and inconvenience arising from the construction of the proposed development. Such impacts are relatively short lived and can be mitigated by adherence to an agreed construction management plan.

5.49 At this stage, officers do not have any concerns with regard to the impact to residential amenities from the development. Further assessment would be undertaken at the reserved matters stage in regard to the amenity impacts.

## **Sustainability**

5.50 The applicant has submitted a 'Sustainability Statement' which states that the proposed dwellings would designed to achieve the 2025 Future Homes and Buildings Standard delivering at least 75% less carbon emissions than homes delivered under current regulations through the use of a fabric first approach and all electric energy strategy (no gas boilers).

5.51 The development will incorporate low carbon renewable energy technologies including Air Source Heat Pumps and roof spaces across the site designed to accommodate Solar Photovoltaics. Furthermore, it is suggested that the buildings would be designed to make use of sustainable materials to reduce the environmental impact of construction and waste minimisation strategies would be employed throughout the construction.

5.52 The potential methods and techniques incorporated into the final design and layout of the proposals will help deliver a development that would reduce fuel use and greenhouse gas emissions, minimise energy use and input of raw materials and incorporates principles of energy conservation in relation to the design, siting and orientation of the buildings. The applicant states that this will be achieved through a combined fabric, energy efficiency and low carbon renewable energy approach such as provision of solar PV and air source heat pumps. A number of other measures are proposed such as water efficiency, landscaping, and the provision of cycle parking and a pedestrian footway/cycleway. These measures can be secured by condition to ensure they are delivered on site.

5.53 A material consideration for this application is that West Oxfordshire District Council declared a climate and ecological emergency in 2019. Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. The Council are determined to lead by example and put climate considerations at the heart of all its decision-making processes, policies and plans.

5.54 Policy OS3 states 'All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources.'

5.55 In light of the support offered to the scheme by OS3, and in the context of the declared climate emergency and the current 'energy crisis', the sustainability measures proposed attracts modest weight in support of the proposal.

## **Affordable Housing**

5.56 Policy H3 of the Local Plan requires the provision of affordable housing on schemes of 11 or more units or which have a maximum combined gross floor space of more than 1,000sqm. The scheme includes 40% affordable housing and this meets the requirements of H3 in numerical terms.

5.57 Policy H4 also seeks to provide for a mix of property types and sizes to help create a balanced and mixed community. The mix advised is:

4.8% 1-bed properties  
27.9% 2-bed properties  
43.4% 3-bed properties  
23.9% 4+bed properties

5.58 With regard to the affordable housing element, the applicant proposes:

50% 1-bed properties  
33.4% 2-bed properties  
11.1% 3-bed properties  
5.5% 4+bed properties

5.59 Taking the above into account therefore, there is some conflict with H4 as the proposed mix of affordable housing not accord with H4. However, when looking at the need for North Leigh as set out by the Council's Affordable Housing Officer set out in the consultation section above, it is clear that there is a greater need for smaller homes in North Leigh and the proposed mix is broadly in line with the local need. While there is conflict with H4, only limited weight is afforded to this conflict.

5.60 The applicant has agreed that the affordable homes for rental would be provided as Social Rent and 25% would be First Homes. In addition, the mix proposed would provide ground floor accommodation in excess of the need identified.

5.61 The scheme accords with H3 in terms of affordable housing provision, but has some conflict with H4 in regard to the mix of property types and sizes.

## **S106 matters**

5.62 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.

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

5.64 OCC seek the following contributions:

- Administration and Monitoring Fee: £4,700
- Highway works: £75,881
- Public transport services: £48,719
- Public Rights of Way: £15,000

- Secondary education: £233,928
- Special education: £17,948
- Household Waste Recycling Centres: £4,040

5.65 OCC also require the Applicant to enter into S278 agreement(s) to mitigate the impact of the development as set out in their comment. This is to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into.

5.66 The Parish Council have requested the following contributions:

- £50k contributions to the cycle path between Park Road and Common Road along the A4095
- an S278 agreement should be put in place for the construction of a full pavement on both sides of the road for the entire length of this stretch of the New Yatt Road
- The rental or purchase of land plus refurbishment costs for additional parking in the centre of the village
- 25 allotments on the development site
- £50k contribution to the MUGA now confirmed at the Rectory Rise site in the village

5.67 In relation to the Parish requests, paragraph 57 of the NPPF states 'Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development'.

5.68 The County Council as the Highways Authority have assessed the scheme and S106 monies (£75,881) will be paid to OCC for pedestrian and cycle infrastructure linking North Leigh with Witney and Long Hanborough. Also, an obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- Priority access junction including connecting 2m wide footways between the development site and New Yatt Road (Details and layout to be agreed with the Highway Authority); and
- Footway connection between the development site and existing footways to the east along New Yatt Road.

5.69 These obligations/contributions meet two of the Parish Council requests. However, if additional parking in the village were required to make the scheme acceptable in highways terms, OCC would have requested them. As such, additional parking in the village will not be secured via a legal agreement.

5.70 Moving to the allotments. Officers requested details of the current provision and the need for allotments. The Parish explained that there are 24 plots in North Leigh and 22 people on the waiting list for existing allotment plots. There is a clear need for allotments in the village therefore and this is not disputed. However, there are no policies in the Local Plan that require developments of this size to provide allotments. These are sought for larger more strategic sites such as East Witney Strategic Development Area (450 homes) and North Witney Strategic Development Area (1,400 homes). Furthermore, allotments would generate further trip movements and would require parking that must be assessed as part of the scheme. Notwithstanding that officers do not feel that allotments would meet the tests set out in paragraph 57 of the NPPF, it is not possible at this late stage to include allotments as part of the scheme without the agreement of the applicant along with a full consultation and change of description.



5.71 It is understood that Rectory Homes will be providing the site for the MUGA on its Rectory Rise site and paying for the full cost of construction of the MUGA. However, there is a gap in funding for the ongoing maintenance of the MUGA and its grounds going forwards. Officers consider that the request for £50,000 for the maintenance of the MUGA does meet the tests and will be included in the legal agreement. The applicant has agreed to supplying this funding.

### **Other Matters**

5.72 Officers are mindful of the comments received relating to the inability of the existing infrastructure to meet the needs of the occupiers of the new homes and indeed, the existing community. Ultimately, if there are insufficient services and facilities to meet the needs of the village population, that village must grow in order to secure investment in the required services and facilities. Officers are also mindful of paragraph 85 of the NPPF which states 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.'

5.73 The applicant has agreed to a reduced timeframe of two years for the reserved matters to be submitted to the LPA and a total of four years for development to begin (four years from the date of the outline permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later). This ensures the homes are delivered in good time and make a meaningful contribution to the housing shortfall in the District.

### **Conclusion and Planning Balance**

5.74 As the LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11 of the NPPF applies. At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

5.75 There are no policies in the NPPF that protect areas or assets of particular importance that would provide a clear reason for refusing the development proposed.

5.76 Moving to the balancing exercise as required by the NPPF, taking the benefits of the proposal first. The proposed development would add up to 43 dwellings to West Oxfordshire Council housing stock. In light of the lack of a 5YHLS, which the Inspector for the Cote Road appeal stated was a 'serious and significant shortfall against the five-year requirement' (para 2), and the Government's objective of significantly boosting the supply of homes (paragraph 60 of the NPPF), this attracts significant positive weight.

5.77 Of the up to 43 dwellings, 40% (up to 18 homes) would be affordable homes, this attracts significant positive weight.

5.78 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area. This attracts moderate positive weight.

5.79 The scheme meets the 20 minute neighbourhood guidance. This attracts moderate weight commensurate with the scale of development.

5.80 Biodiversity net gain would be achieved. This attracts modest weight commensurate with the scale of development.

5.81 The sustainability measures proposed attracts modest weight in support of the proposal.

5.82 Financial contributions to local services/infrastructure through a Section 106 agreement are required. While these are required to mitigate the impact of the scheme, this is a positive impact.

5.83 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.

5.84 Moving to the adverse impacts. The proposal conflicts with H4 as the proposed mix of affordable housing is not in line with the requirements of policy. However, the mix is in line with the identified needs of North Leigh, as such only limited weight is afforded to this conflict. In addition, when considering the change from rural to urban along with the affected views from the PRoV, the change to the skyline, harm to the social and community cohesion of the village and the appearance of coalescence, the scheme would conflict, in part, with policies OS2 and EH2. However, in light of the points raised within this report, the resultant harm is considered to be limited and thus limited negative weight is assigned to this harms.

5.85 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.

5.86 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

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

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

REASON: The application is not accompanied by such details.

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

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

4. Prior to commencement of the approved development a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The CTMP should follow Oxfordshire County Council's template where possible. The CTMP must include:

- The routing of construction vehicles and management of their movement into and out of the site by a qualified banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud etc. from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related workers,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,
- Details of engagement with local residents,
- A dilapidation survey which shows the state of the surrounding public highway prior to implementation and post-construction,

REASON: In the interest of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

5. Prior to first occupation a Residential Travel Information Pack, that accords with Oxfordshire County Council's guidance must be submitted to, and approved by, the Local Planning Authority. Thereafter Residential Travel Information Packs must be provided to all future residents of the development upon occupation.

REASON: To encourage active, sustainable mode of travel.

6. 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.

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

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

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

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 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.

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 in accordance with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

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

REASON: In the interests of protecting the amenity of the occupiers of neighbouring dwellings and future occupiers.

11. 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 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.

REASON: In the interests of protecting the amenity of neighbouring dwellings and highway safety.

1.2. 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: In the interests of protecting the amenity of the occupiers of neighbouring dwellings.

13. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

14. Following the approval of the Written Scheme of Investigation referred to in the previous condition, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

15. No development shall be occupied until confirmation has been provided that either:

all sewage works upgrades required to accommodate the additional flows from the development - (which is currently scheduled for completion in March 2025) have been completed; or a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents

16. The development shall be completed in accordance with the recommendations in Section 6 of the consultancy report (Ecological Appraisal, Aspect Ecology, dated March 2023). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure nesting birds, badgers, roosting bats and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the Protection of Badgers Act 1992, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. 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);
- v. Precautionary working method statement for the following species: great crested newts and dormice;
- vi. The times during construction when specialists ecologists need to be present on site to oversee works;
- vii. Details of the storage of equipment, waste and materials;
- viii. Responsible persons and lines of communication;
- ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP-B 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.

18. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

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

19. An invasive non-native species protocol report shall be submitted to, and approved in writing by the local planning authority before the commencement of the development hereby approved. The document shall include the containment, control and removal of variegated yellow archangel on site. The measures shall be carried out strictly in accordance with the approved document.

REASON: Variegated yellow archangel is listed in the Wildlife and Countryside Act 1981 (as amended) under Schedule 9, which makes it an offence to plant or otherwise cause these species to grown in the wild. In addition, under the Environmental Protection Act 1990, this species is classed as 'controlled waste' and must be disposed of safely at a licensed landfill site.

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

- i. Details of planting such as, native species-rich hedgerows, species-rich grassland, scrub planting and marginal and aquatic planting of the SuDS pond;
- ii. Type, source and number of materials to be used where appropriate, e.g. native fruiting and pollinating species of local provenance;
- iii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;

- iv. Details of integrated bird and bat boxes, tree mounted bird and bat boxes, hedgehog friendly fencing, hedgehog boxes and bee bricks, barn owl boxes and reptile hibernaculum;
- v. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

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

REASON: To protected 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.

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

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of 25.43% in habitat units, 30.83% in hedgerow units;
- iv. Appropriate management options for achieving the aims and objectives;
- v. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. 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;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. 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.



22. The development hereby approved shall be constructed in accordance with the Sustainability Statement prepared by Manor Oak Homes (February 2023: Reference: NOR 070 MOH SES Rev -) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Climate Change Strategy for West Oxfordshire 2021-2025, Local Plan Policy OS3, and the NPPF.

#### INFORMATIVES :-

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Please note the proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. The works has the potential to impact on local underground water utility infrastructure. Please read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).
3. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Wall, roof and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy efficient appliances and water recycling measures
  - Sustainably and locally sourced materials

For further guidance please visit:

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

4. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works

that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

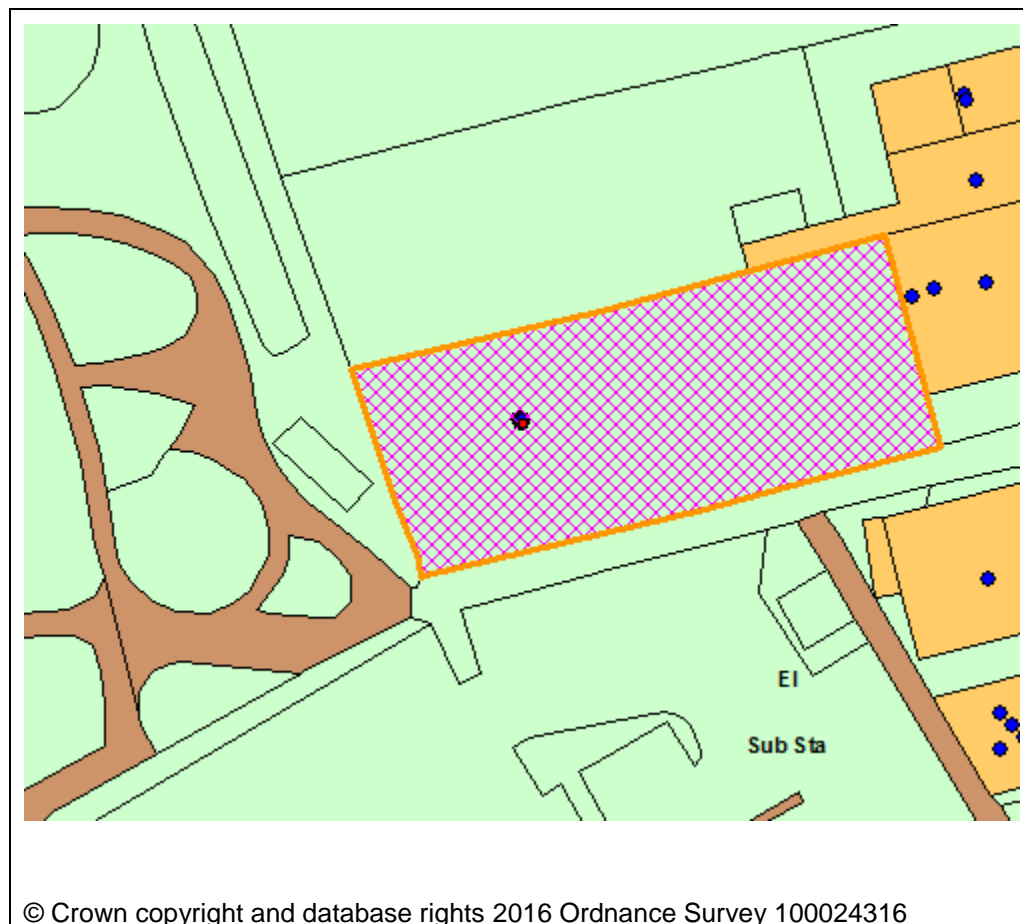
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 30th August 2023

Application Number	23/01327/FUL
Site Address	Barclay House 11 Burford Road Carterton Oxfordshire
Date	30th August 2023
Officer	David Ditchett
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427994 E    206860 N
Committee Date	11th September 2023

### Location Map



### Application Details:

Conversion of loft space to provide a new 2nd floor 2 bedroom flat

### Applicant Details:

Mr Daniel McCarthy  
10 Woodlock Glade  
Camberley  
GU15 4LW

## **I. CONSULTATIONS**

Parish Council

Carterton Town Council objects to the Planning Application stating 'The committee raised concerns regarding lack of car parking space, fire safety and overlooking the play area, and request that Planning Officers consider our comments at a Planning meeting'.

OCC Highways

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

Recommendation:

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

## **2. REPRESENTATIONS**

2.1. No third party representations have been received to date.

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

3.1 The applicant has not supplied documents outlining their case.

## **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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

NPPF 2021

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

## **5. PLANNING ASSESSMENT**

### **Background Information**

5.1 This application relates to Barclay House, 11 Burford Road Carterton. The site contains a building that is currently under construction following the granting of planning permission in 2020 (ref 20/00072/FUL). The application in 2020 granted permission for 8 flats. The site sits adjacent to a footpath, which leads to the public car park (Alvescot Road Car Park) and Carterton Recreation Ground. It is also sited to the rear of the existing parade of shops and a coffee shop.

5.2 A previous application at the site (ref 22/03035/S73) for 'Variation of condition 2 of planning permission 20/00072/FUL to allow the insertion of two dormers in the South elevation of unit 2 to create additional accommodation within the roof space' was granted in 2023. This approved the enlargement of unit 2 into the roof space but did not approve an additional dwelling.

5.3 The current application seeks permission for the 'conversion of loft space to provide a new 2nd floor 2 bedroom flat'. The application is before committee as Carterton Town Council have objected to the proposals. Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

Principle of Development;  
Siting, Design and Form;  
Highways;  
Residential Amenities; and  
Other Matters;

### **Principle of Development**

#### *Development Plan*

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

5.5 The site is located within Carterton and is considered to be previously developed land. Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres.....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'. As such, the development is supported, in principle, by H2.

5.6 While the development is supported by H2 (provided that the proposal is in accordance with other policies in the plan and in particular the general principles of OS2), the LPA cannot currently demonstrate a five year supply of housing land. As such, paragraph 11 of the NPPF applies and this is explained below.

## *National Policy*

5.7 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.

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

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

5.9 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).

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

## **Siting, Design and Form**

5.11 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.

5.12 The site is within the built up area of Carterton, close to the town centre and as such, the existing type of development is very mixed. Within a short walk, there are detached, semi-detached, and terraced dwellings of both single and two storey nature. A rank of shops with flats above is to the east. To the north is a site with permission for a new commercial building with 6 flats above and further 4 flats behind (22/02513/FUL). Further to the south east is the Church of St John the Evangelist (a relatively modern building), and a further ranks of shops on the crossroads. A pub and an Asda supermarket/petrol station is just beyond the crossroads. The development in this area therefore is varied in scale, use, and design.

5.13 The changes to the approved development are to install four flat roof dormers (3 in the west elevation roof slope and 1 in the east elevation roof slope). While the flat roof dormers are not of any architectural merit and appear somewhat awkward in the roof slope, the site is located within Carterton town centre where there are a variety of different designs in the immediate vicinity of the application

site which include flat roofs. In addition, the dormers would be almost identical to those already approved in the building in 2023 to enlarge unit 2 (22/03035/S73). Further, the building is located to the rear of the existing parade of shops and a coffee shop. As such, officers consider that the proposed design and form of the dormers will not detract from the visual appearance or character of this part of the town or the building as originally approved.

5.14 Officers are satisfied therefore that the siting and design of the development would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the development integrates successfully into the site and its surroundings and would not be harmful to the character and appearance of the area. The proposed development would be in accordance with Local Plan Policies H2, OS2 and OS4.

## **Highways**

5.15 The application that granted permission for 8 flats included 7 no. parking spaces within the under-croft parking and adjacent to it with space to manoeuvre over the shared surface. The current application seeks to create one further two bedroom dwelling but does not increase parking provision. Nonetheless, the site is within the centre of Carterton where public car parks are present. As such, while the proposed development does not increase parking provision available on site, further parking can be accommodated outside of the site. Moreover, the current development includes several smaller flats (six, one bedroom units and two, two bedroom units). This is likely to attract persons who may not rely on vehicles and will use public transport/bicycles, thereby reducing car dependency and thus vehicle movements. Indeed, the County Council Highway Team were consulted on this scheme and they have raised no objection and suggested no conditions.

5.16 Officers are satisfied, based on the assessment above, that the proposed development will have a safe and suitable access for all users and sufficient parking is proposed to serve the new dwelling. The proposal therefore accords with Local Plan Policies T1, T2 and T3; and Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

## **Residential Amenities**

5.17 Local Plan Policy OS2 (Locating development in the right places) states 'All development should.....be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.'

5.18 The dormer windows will increase views out of the building. However, they look east into the shared parking area/rear of the parade of shops (shops are over 32m away) and west to the Carterton Recreation Ground. As a public space, there is no expectation of privacy for users of the Carterton Recreation Ground. Thus while views may look onto the recreation area, there would be no loss of privacy for those using the space. Owing to the height of the dormers in the roof slope, views into the new flat from the ground would be quite limited. As such, the dormer windows will have no impact on the amenity of neighbouring or intended future occupants or users of the Carterton Recreation Ground.

5.19 Owing to the small scale of the physical changes, officers are satisfied that no loss of light, overbearing or overshadowing impacts would occur.

5.20 Officers are satisfied that the works proposed will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration.

### **Other Matters**

5.21 Carterton Town Council also raised concerns regarding fire safety. As the building is less than 18m in height and less than 7 storeys, the LPA has no powers or responsibilities around the fire safety of the building in planning terms. This is dealt with by Building Control.

### **Conclusion**

5.22 Overall, the proposal would be in accordance with the development plan when taken as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. In such circumstances, planning permission should be granted without delay.

5.23 The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

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

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

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

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

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

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

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

### **INFORMATIVES :-**

1. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Wall, roof and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy efficient appliances and water recycling measures
- Sustainably and locally sourced materials



For further guidance please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

2.. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

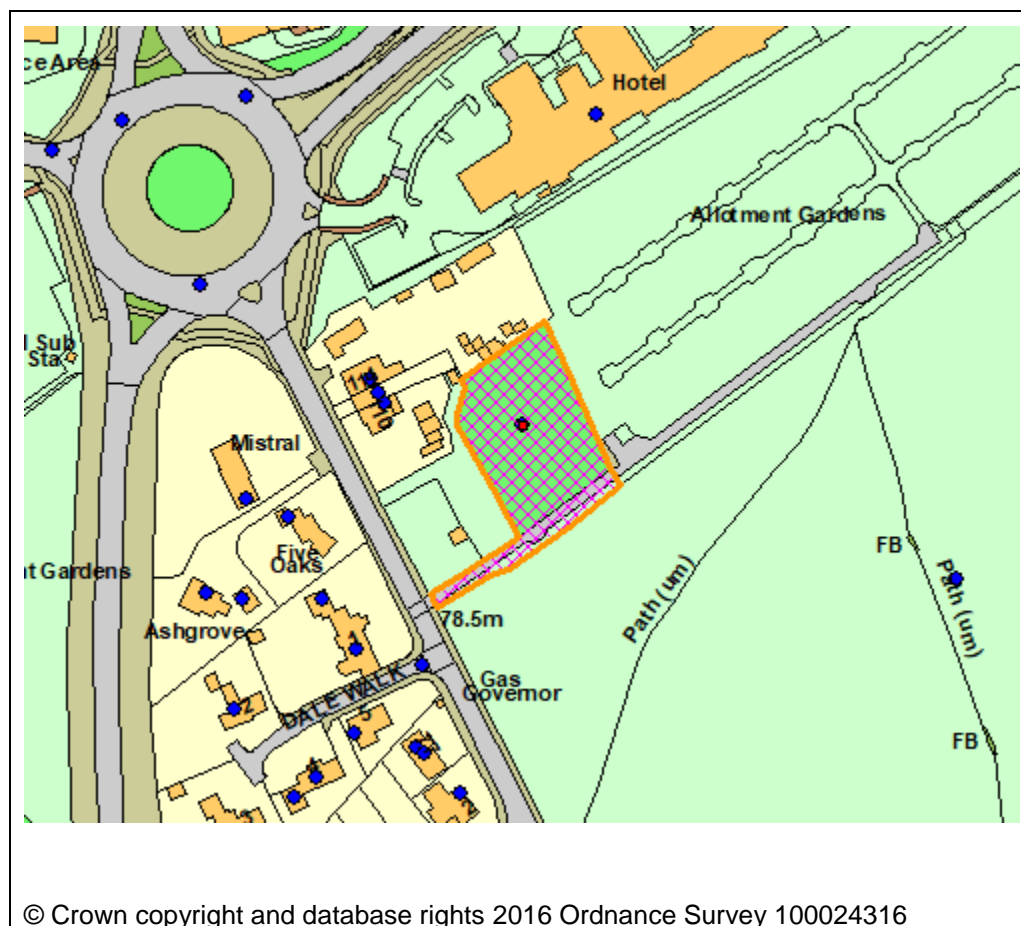
**Contact Officer:** David Ditchett

**Telephone Number:** 01993 861649

**Date:** 30th August 2023

Application Number	23/01436/OUT
Site Address	Land To The Rear Of 110 Witney Road Ducklington Witney Oxfordshire
Date	30th August 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Ducklington Parish Council
Grid Reference	435273 E 208374 N
Committee Date	11th September 2023

### Location Map



### Application Details:

Outline application with all matters reserved for the erection of two 4 bedroom detached houses and access.

**Applicant Details:**

Mr Laurence Jones  
Eden House  
192 Burton Road  
Melton Mowbray  
Leicestershire  
LE13 1DN

**I. CONSULTATIONS**

Parish Council

Land at 110 Witney Road was subject to similar application - for a single dwelling - in June 2020 (reference 20/01556/FUL). Ducklington Parish Council had 'no comment' on this original application.

The application was subject to an Appeal (reference APP/D3125/W/20/3261473) which the Planning Inspector dismissed on the basis that (in summary):

The development would be inconsistent with the local character.

The development would fail to assimilate well with its context.

The development would lead to some erosion of openness.

Since this time, a scheme for up to 120 houses along Witney Road (adjacent to the 110 Witney Road Site) has been approved at Appeal (reference 21/03405/OUT and APP/D3125/W/22/3297487). Ducklington Parish Council strongly objected to this proposal due to the impact on the character of the village and its countryside setting (amongst other matters); and this position was supported by West Oxfordshire District Council who refused the application.

Land at 110 Witney Road is now proposed for two dwellings (reference 23/01436/OUT). Having given the application careful consideration, Ducklington Parish Council OBJECT to the current application on the basis that:

The Inspector has already concluded development of this site would cause harm to local character / context.

We are concerned about the potential cumulative effects (on local character) of this application in combination with the adjacent 120 scheme.

While we acknowledge that new dwellings would make a positive contribution to housing supply, we consider any benefits are outweighed by the harm to the local environment.

Accordingly we request that WODC refuse planning permission.

#### OCC Highways

I note the application to be outline with all matters reserved

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

Recommendation:

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

#### WODC Drainage

No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

#### Env Health - Lowlands

Mr ERS Pollution Consultation Thank you for the opportunity to consult.

I have no objection in principle to the outline application but would ask for conditions similar to the following to be attached to any consent given:-

- i) The acoustic design of all new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- ii) Prior to the commencement of the development a 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 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. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
- iii) Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

Kind regards

Karen Awre  
Officer  
Noise & Amenities

District Ecologist

Further information is needed to assess the potential biodiversity implications:

I note that the previous application, 20/01556/FUL assessed biodiversity impacts by carrying out a Preliminary Ecological Report in June 2020 (Landscape Science Consultancy Ltd) which has been submitted for this current application. CIEEM advises that for reports more than 3 years old, the report is unlikely to still be valid, and surveys need to be updated. Due to the time elapsed since the report and site visit was carried out, a professional ecologist will need to undertake a site visit and desk study to review the validity of the report and issue a clear statement to the Local Planning Authority, based on the following factors:

- I. The validity of the report
- II. Which, if any, of the surveys need to be update; and
- III. The appropriate scope, timing and methods for the update survey(s)

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

There is insufficient information to be able to adequately assess the impacts on biodiversity in accordance with Policy EH3

District Ecologist

Although the Preliminary Ecological Appraisal (PEA) report found a lack of evidence on site of the presence of certain species such as reptiles, amphibians or small mammals, there are records of swift hotspots, hedgehogs and badgers in the wider landscape, and five species of nesting birds were observed during the PEA survey, including Dunnock, an amber list species of medium conservation concern. Therefore, the WODC's Precautionary Method of Working is recommended to ensure the protection of biodiversity.

The site also falls within an amber impact risk zone, however, the PEA concluded the site was sub-optimal for the species, with no breeding, foraging, resting, sheltering or hibernating opportunities present. It should also be noted that the closest pond, located 0.5km to the west of the proposal is separated from the site by existing roads and development, which are barriers to dispersal. The next nearest ponds are 0.87km and 0.96km south west of the site and separated by arable land and a lake. Whilst great crested newts have been known to travel over 1 km from their breeding sites, it is widely accepted that for the most part, great crested newt activity is usually concentrated within 100 m of their breeding ponds with key habitat being located within 50 m. As a result, it is felt the proposed development is unlikely to result in any adverse impacts to great crested newts

however, precaution should be taken during site clearance and construction phases. Therefore, the WODC's Precautionary Method of Working is recommended to ensure the protection of great crested newts.

The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 174, 179 and 180 of the revised NPPF and local plan policy EH3. There are multiple records in the wider landscape for common pipistrelle, soprano pipistrelle, brown long-eared, myotis, serotine, noctule and barbastelle bats, as well as swift hotspots and hedgehog records. The PEA also concluded that the development may lead to loss of bird nesting sites. Therefore, the above enhancement condition is recommended to ensure additional bat roosting, bird nesting and hedgehog permeability opportunities are provided.

There are records of various bat species around the site in the wider landscape, however, the PEA considered there to be no suitable features for roosting bats and low potential for foraging and commuting bats. Nevertheless, bats are afforded legal protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) therefore the lighting condition is recommended to ensure that light spillage is avoided around hedgerows habitats on site and that dark corridors are maintained to facilitate movement of bats, as well as other nocturnal wildlife.

The Site Plan (Drawing No. CND-D-04) shows new hedgerows and trees within the proposed development, however, no plans showing details of species type to be planted, quantity or management and maintenance have been provided to support this, therefore the above landscaping condition is recommended.

## ERS Contamination

I have seen the above referenced planning application on the planning portal. The application site falls within the 250 meters of contaminated land constraint. Please can I be consulted using the following consultation - TPS Env Health C - WODC ENV Consultation Sites. This consultation should always be used for the contaminated land constraint.

The application site is in the vicinity of a number of unknown filled ground areas and a landfill. I would likely request the following condition be added to any grant of permission.

I. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be 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 Remediation Scheme 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 a Verification Report confirming 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 prevent pollution of the environment in the interests of the amenity.

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

WODC Landscape And  
Forestry Officer

I have nothing really to say about this application unless you have any particular questions. In light of the Inspector's decision to allow The Moors to be built on, I suspect this site will be a lost cause, apart from trying to control the size and design of the two dwellings. Most of the wooded character of the site was lost when the site was effectively cleared just before the previous application was submitted.

## **2. REPRESENTATIONS**

2.1 No third party consultee comments received to date.

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

3.1 The Design and Access Statement is concluded as follows with the full statement on the Council's website

"This Planning Statement demonstrates that the proposed development is policy compliant, and will constitute sustainable development in accordance with local and national planning policy. There would be no adverse impacts of approving the application that would significantly and demonstrably outweigh

the benefits of the scheme, and there are no policies in the NPPF which indicate that the application should be refused.

The proposal would make a positive contribute to the housing supply in West Oxfordshire on land that is unconstrained and in a sustainable location providing economic, social and environmental benefits"

#### **4. PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH9 Historic environment

EH8 Environmental protection

EH10 Conservation Areas

EH11 Listed Buildings

EH2 Landscape character

EH16 Non designated heritage assets

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

#### **5. PLANNING ASSESSMENT**

##### **Background information**

5.1 The application seeks outline planning permission with all matters reserved for the erection of two 4 bedroom detached houses and access at Land to the Rear of 110 Witney Road, Ducklington, Witney.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as Ducklington Parish Council have objected to the scheme and therefore the application is to be determined by Members.

5.3 The application site relates to a parcel of land which is adjacent to The Moors. The current parcel of land is vacant. The planning history is set out as per below however it is currently classed as undeveloped agricultural land.

5.4 Relevant planning history:

- 20/01556/FUL - Erection of a two storey dwelling and associated landscaping - Non determination but the LPA would have refused the application were they in a position to do so.
- APP/D3125/W/20/3261473 - Appeal Dismissed.
  
- 5.5 Neighbouring Relevant Planning History
- 21/03405/OUT - Outline planning permission for up to 120 dwellings with associated landscaping and infrastructure with detailed vehicular access from Witney Road (with all other matters including other access arrangements reserved). - Refused
- APP/D3125/W/22/3297487 - Appeal allowed.



- 21/00112/FUL - Erection of a detached dwelling and two bay car port, along with alterations to access for use by both the existing and proposed new house together with associated works - Approved
- W88/0888 - Change of use from agricultural to allotments, access road, parking areas, communal store and individual stores. - Approved

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
- Design, Siting, Landscape and Visual Amenity
- Residential Amenity
- Highways
- Biodiversity
- Other Matters
- Planning Balance and Conclusion

### **Principle**

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 (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.8 As per Policy OS2 (Locating Development in the Right Places) it makes reference to the settlement hierarchy which splits the district in different classifications. Officers have considered that the proposed site is within Ducklington and therefore would be classed as being in main service centres, rural service centres and villages. Therefore it is important to firstly consider the principle of development making reference to the West Oxfordshire Local Plan and in particular Policies OS2 and H2.

5.9 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. A number of site allocations are proposed to ensure identified needs are met. Further allocations may be made through Neighbourhood Plans. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan".

5.10 Policy H2 of the adopted Local Plan states 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.

5.11 It is important to consider the recent appeal under reference APP/D3125/W/20/3261473 as it establishes the current use of the land. It stated "I do not find that the site comprises previously developed land. Nor is the site allocated for housing development. The first and second of the 4 circumstances in which Policy H2 of the West Oxfordshire Local Plan 2031 adopted 2018 (WOLP) indicates that new dwellings will be permitted at villages such as Ducklington or at service centres such as nearby Witney are not therefore applicable"

5.12 Therefore the principle of development will need to be considered against the third and fourth circumstances of Policy H2. It will need to be considered whether the development is adjoining or within the built up area but not withstanding that, it will need to still accord with other policies and the general principles of OS2. Officers have considered that the recent appeal for the allowed 120 homes is a material consideration to be had for this new application. The original appeal for Land to Rear of 110 Witney Road did not come to a view as to whether the site was adjoining the built up area or not. Therefore it could be considered that the proposed location of a 2 dwellinghouses would be within the built up area providing the recently appealed site starts development to which it is highly likely that it will come forward and this is a significant material change. In addition, due to the recent appeal, it has been considered that the proposed site is bound by 3 areas of developed land and therefore section 3 of Policy H2 could apply in this instance which states: "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. Officers consider and conclude that whilst the development is currently only bound by built form on 2 sides, the recently permitted permission of The Moors which is highly likely to come forward would result in built form on 3 sides. As a result, it is Officer opinion that the development would be within the built form and circumstance 3 is applicable for this application.

5.13 Officers consider that in principle dwellings are likely to be acceptable however this is subject to design, character and appearance and compliance with the general Principles of Policy OS2. While Officers consider that the proposed development accords with the strategic housing policies as set out in H2, the LPA cannot currently demonstrate a 5 year housing land supply in which this is explained further below.

#### *National Policy*

5.14 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 dependent.

5.15 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-

date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

5.16 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).

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

5.18 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.

### **Design, Siting, Landscape and Visual Amenity**

5.19 It is only the principle of the development to be assessed at this stage. All other matters including the scale, appearance and design etc would be submitted at the reserved matters stage if officers were able to support the outline application. Officers note that two dwellings are to be proposed which are of a two storey scale. Officers consider that the size of the application site could comfortably accommodate two dwellinghouses with associated parking and outdoor amenity space.

5.20 Scale and appearance of the dwellings themselves are not being considered at this stage however Officers are required to consider other elements of OS2 as part of the application. Policies OS2 states as part of the general principles that "All development should:

- Form a logical complement to the existing scale and pattern of development and/or the character of the area
- Avoid the Coalescence and loss of identity of separate settlements
- As far as is reasonably possible protect or enhance the local landscape and setting of the settlements
- 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

5.21 Officers are required to consider the potential impact of two proposed dwellinghouses in this location. Typically in this location the pattern of development is generally linear with dwellinghouses lining Witney Road. However since The Moors application was allowed, the large undeveloped site to the south of the site is to be occupied with dwellinghouses and will as a result cause an infill to the notable gap between 78 and 110 Witney Road. This as a result will adjoin the outskirts of Ducklington to the rest of the village. In addition, within the 110 Witney Road appeal, it was concluded that there would be no coalescence between Witney and Ducklington and this was reaffirmed in the Moors appeal. Officers acknowledge that the previous application was for one large dwellinghouse within the 0.25 hectare site whereby the proposal was considered as part of the appeal as being "uncharacteristic and incongruous". This newly proposed scheme is for 2 dwellinghouses and the indicative plans show a much

more acceptable density and sited in such a way that they face Witney Road and back towards the allotments, albeit this is back land development and they won't face the road. The previous appeal on the site stated that development in this location would "detract from the generally rural character and appearance of the area", that is not disputed from the previous scheme, however the application at The Moors is a significant material consideration and along with the newly proposed number, scale and type the current scheme is materially different from the previous and as such a different conclusion can be reached. Officers now however consider due to the change in dwellinghouse type and scale and the Moors decision that a lot of this appearance will be lost.

5.22 Officers now consider that due to the most recent appeal at The Moors, as mentioned in the principle of development, that the site is now to be bound by 3 areas of developed land. It is also important to make note that the inspector in the previous application gave weight to the open landscape in this location and the proposed site does still retain its character as previously considered by inspector but it has been considered in the future that it will lose a significant amount of ability to buffer. In addition, Officers have consulted with the Forestry & Landscape Officer in which they commented that most of the wooded landscape character was lost during the previous scheme and that they also noted that the inspector's decision to allow The Moors development changes the context of the site and would as a result not have an objection to the outline scheme.

5.23 Officers as a result would consider that the proposed development does broadly adhere to the key statements in Policy OS2 in so far that the proposed development as a result of the recent appeal would now fall within the pattern of development in this location and that the smaller scale dwellinghouses would look to cause only limited harm to the surrounding landscape area. Officers have also considered that the parcel of open space at this stage would have a marginal contribution to the character and appearance of the area and the loss of the open space would not have a significant impact on the character and appearance of the area. Overall, it has been considered that there would be limited harm to the loss of open undeveloped agricultural land. This limited harm would need to be considered as part of the planning balance once all other elements of the proposed scheme have been considered.

### **Residential amenity**

5.24 With regard to the impact on neighbouring amenity, these matters would be fully assessed and taken account of at reserved matters stage. Careful consideration would need to be given particularly to the properties along Witney Road and ensuring that there is sufficient separation distance between the existing and the proposed dwellinghouses in terms of overlooking and loss of privacy as a result of the siting of the proposed dwellings.

5.25 The WODC Noise and Amenities Officer has raised no objection to the development subject to conditions ensuring that the acoustic design of all new residential homes shall accord with the internal noise design criteria specifications. They have also requested conditions controlling the construction hours and a short plan being submitted detailing measures to be taken to minimise noise and dust operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways generated during the development.

### **Highways**

5.26 Whilst this application has all matters reserved including proposed access, a potential access route is proposed within the red line boundary for this application. OCC Highways have been consulted on the application and have raised no objections, however the full impacts of the development on highway safety and convenience would be assessed at reserved matters stage.

## **Biodiversity**

5.27 Due to the nature of the building and the location of the site, it was deemed appropriate to consult with the WODC Biodiversity Officer on the scheme. WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Policy OS2 also states: "Conserve and enhance the natural, historic and built environment"

5.28 Initially a PEA was submitted which was conducted in 2020, however it was considered to be out of date and the report was unlikely to be valid and refusal was recommended. The applicant then conducted a PEA survey in August. It was considered by the biodiversity officer based on the information provided that the proposed outline permission was considered acceptable subject to the relevant conditions and informative. It was considered that the site had a lack of evidence for the presence of certain species such as reptiles, amphibians or small mammals. However due to the nature of the site, there are records of nesting birds and bats in the wider landscape however there are little to no suitable roosting features and habitats on site. As bats are afforded legal protection it has been considered reasonable to add a condition requesting details of bat and bird boxes and deemed appropriate for this permission. Officers are therefore satisfied that Biodiversity Net Gain and that the proposed development would not harm any protected species in which this can be achieved through the relevant conditions. The proposal therefore accords with Local Plan Policies EH3, as well as the NPPF (in particular paragraphs 174, 179 and 180)

## **Other Matters**

5.29 Ducklington Parish Council have objected to the proposed scheme for the below reasons:

- The Inspector has already concluded development of this site would cause harm to local character / context.
- We are concerned about the potential cumulative effects (on local character) of this application in combination with the adjacent I20 scheme.
- While we acknowledge that new dwellings would make a positive contribution to housing supply, we consider any benefits are outweighed by the harm to the local environment.

5.30 Officers consider that there is limited harm to the local character and appearance as detailed in the siting and landscape section and it has been considered that the addition of 2 dwellinghouses in this location would have a limited cumulative impact when taking into account the adjacent I20 home scheme. The planning balance will consider as to whether the limited harm outweighs the benefits of the new dwellinghouses.

5.31 The WODC Drainage Officer has raised no objection to this application subject to the standard prior to commencement condition for a full surface water drainage scheme to be submitted. As a result the development has been considered to comply with Policy EH7 of the WOLP.

5.32 The site is in excess of 190m at its nearest point to the nearest listed building, Ducklington Conservation Area and non-designated heritage assets. Officers have considered that the proposed development would not have a material impact to the settings to these designated and non-designated heritage assets.

## **Planning Balance & Conclusion**

5.33 The LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11 of the NPPF applies. At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

5.34 In terms of benefits, the proposed development would provide a two dwellinghouses towards the Councils housing land supply. Given that only two dwellinghouses are to be provided this attracts limited positive weight.

5.35 The proposed development would result in economic benefits to the local area during the construction phase and when the development is occupied by future residents by increasing the spending power in the area, however given the scale of the development proposed this is considered to attract limited positive weight.

5.36 Officers have considered that the dwellinghouses are in a sustainable location for local services and infrastructure which can be accessed by foot or with nearby access to public transport services. As a result it has been considered that the proposed development would allow successful social interaction in the local Ducklington Community.

5.37 In light of the appeal decision for the Moors, which has in effect resulted in this site being bounded by built form on three sides, it has been identified that there would be some very limited harm to the open character of the area and local landscape and as such there is some conflict with Policies OS2 and H2 of the WOLP 2031

5.38 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 which are very limited of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.

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

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

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

2. Details of the appearance, landscaping, layout, scale and access, (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. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

5. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be 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 Remediation Scheme 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.

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 a Verification Report confirming 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 prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

6. The development shall be completed in accordance with West Oxfordshire District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

REASON: To protect nesting birds, reptiles, amphibians, badgers and hedgehogs in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Before development takes place, details of the provision of integrated bat roosting features (such as bat boxes positioned on new buildings, no lower than 4m above ground level on south/south-east elevations, or on a suitable mature tree on site), nesting opportunities for birds (such as swift bricks on new buildings on north or east facing elevations) and permeable features for hedgehogs (13cm x 13cm in new garden walls or fences) shall be submitted to the local planning authority for approval. These will include a technical drawing showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

REASON: To provide additional opportunities for roosting for bats, nesting birds and hedgehogs as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006

8. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. Within three months of the date of consent, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as species rich planting of native hedgerow, wildflower planting, local orchard species, and a wildlife pond) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers



and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is sooner.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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

10. 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 amenities of the neighbourhood.

11. 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 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. 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.

**REASON:** To protect residential amenity to neighbouring properties.

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

**REASON:** To protect residential amenity of neighbouring properties

**Contact Officer:** Eloise Street

**Telephone Number:**

**Date:** 30th August 2023