

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 9th October 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



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 Business Manager. 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.

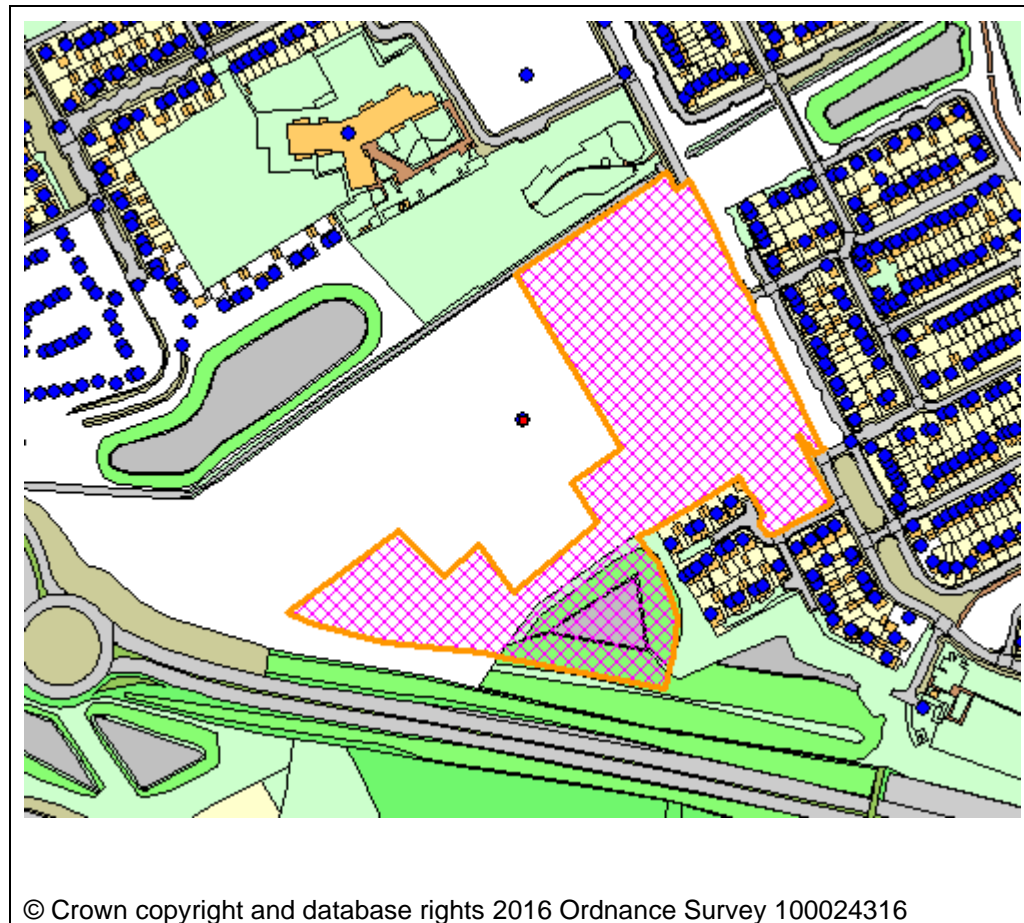
Please note that:

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

Item	Application Number	Address	Officer
Pg 11-45	23/01206/FUL	Land West Of Witney North Of A40 And East Of Downs Road	David Ditchett
Pg 46-62	23/01628/FUL	Former Magdalen Farmyard Abingdon Road	David Ditchett

Application Number	23/01206/FUL
Site Address	Land West Of Witney North Of A40 And East Of Downs Road Curbridge Witney Oxfordshire
Date	27th September 2023
Officer	David Ditchett
Officer Recommendations	Approve subject to Legal Agreement
Parish	Witney Parish Council
Grid Reference	433207 E 209207 N
Committee Date	9th October 2023

Location Map



Application Details:

Erection of seventy-four dwellings and associated infrastructure (amended plans)

Applicant Details:

Rob Stroud
Cleeve Hall
Bishops Cleeve
GL52 8GD

I CONSULTATIONS

Parish Council

06/09/2023

Witney Town Council object to this planning application.

Members have raised serious concerns about the phasing of the development. The submitted plans are presumptuous in terms of the road layout and development layout, in that they include detail from other proposed schemes, under different application numbers that are yet to be decided. Further, when comparing the red line area for this application against the redline area submitted for application 23/01202/RES some areas of the land, including the access road, drainage ponds, sports pavilion (and associated parking) are shown within the proposed site areas for BOTH developments. Witney Town Council question the validity and accuracy of the plans with these inconsistencies. Given that the applications include essential infrastructure in terms of highways, drainage, and sports provision, it is imperative that there is more clarity over which areas of land fall under each of the applications. There should be no room for doubt over planning obligations and how they relate to specified land parcels.

Witney Town Council request that a Grampian Condition be imposed which requires that this proposed development cannot be commenced until both the Community Hub development (23/01203/RES) and the Sports Pavilion development (23/01202/RES) are complete. Whilst members do not object to the principle of further development at this site, it is imperative that vital promised infrastructure and amenity is delivered as a priority ahead of more housing. West Oxfordshire District Council must protect the interest of residents and use available tools to ensure that the applicant meets the obligations as expected, and by way of solid legal agreement.

When the discrepancies concerning the redlined site areas are resolved, in the event that the Sports Pitches/Pavilion access road forms a part of this application, Witney Town Council seek assurances that the access road will provide safe access in a permanent position and not be hindered by any construction work. It would seem preferable that the access road for the sports pitches is laid and protected under application 23/01202/RES ' As shown in the red line area on the application for a sports pavilion and associated infrastructure.

Further, Witney Town Council would support the imposition of a Grampian Condition requiring that Thames Water demonstrate a sewerage capacity for this development before any construction is started.

In an earlier response from Witney Town Council, Members requested that a full Environmental Impact Assessment is sought. Whilst an EIA was prepared some years ago for this development area, Members now consider this information to be out-of-date and not representative of the much-changed biodiversity at the site, including newly established habitats while the land has been unoccupied. The latest consultee response from the Biodiversity & Countryside Officer (1st September 2023) indicates that the details provided by the applicant remain insufficient. Witney Town Council ask that environmental impacts be properly assessed based upon current conditions and habitat, and that information submitted by the applicant be fully scrutinised.

In addition to its previous Section 106 contribution comments, Witney Town Council would like assurances that capital contributions will be made to Henry Box and Wood Green secondary schools due to the non-delivery of a secondary school for this application site. Members ask that the sums be fairly calculated and based upon current valuations and costs.

Major Planning Applications
Team

15/09/2023

Highways: Objection for the following reason:

- Visibility splays and swept path analysis are still required.

LLFA: Objection for the following reasons:

No Drainage related documents or plans submitted. Site investigation report has been reviewed which has concluded infiltration is good.

Education: No objection subject to:

- S106 Contributions:
Primary and nursery education - £528,584
Secondary education - £467,856
SEND - £44,871

Archaeology: No objection

District Ecologist

29/08/2023

I've been re-consulted on the above application, but the Defra 4.0 metric has not been submitted. Please can you ask the applicant to submit the full spreadsheet, my original comments outline exactly what's required if further detail is needed.

WODC Housing Enabler

No Comment Received.

Env Health - Lowlands	No Comment Received.
ERS Contamination	<p>Thank you for consulting our team. I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>Based on the information provided by the applicant to date please consider adding a condition to any grant of permission.</p>
ERS Air Quality	No Comment Received.
Parish Council	<p>14/06/2023</p> <p>Witney Town Council would have preferred that more information be available when considering this proposal - At the time of being discussed by Members the consultee responses are not available from Thames Water or the Highways Authority.</p> <p>Members request that a full Environmental Impact Assessment is sought. Whilst an EIA was prepared some years ago for this development area, Members now consider this information to be out-of-date and not representative of the much-changed biodiversity at the site, including newly established habitats while the land has been unoccupied. Members raised the point that the Biodiversity Report Declaration of Adequacy has not been signed in Part B by the applicant and it has not been signed off in Part D by WODC or an appointed person on behalf of WODC.</p> <p>Members discussed concerns brought to them from residents with regards to the changing ground levels at the development site. Residents of the neighbouring residential area in Mott Close report that ground levels to the rear of their properties have been increased during construction phases to a point that their privacy is compromised. Witney Town Council ask that Planning Officers ensure that natural ground levels are measured and agreed ahead of any planning permission being granted.</p> <p>Another concern raised by residents is access to the existing properties in Mott Close being compromised and whether there will be adequate space for a new bin store, since residents currently use the pavement area to the West of Plot no. 74.</p> <p>Witney Town Council would support the imposition of a Grampian Condition requiring that Thames Water demonstrate a sewerage capacity for this development before any construction is started.</p> <p>Further, Witney Town Council request that a Grampian condition be imposed which requires that this proposed development cannot be commenced until both the Community Hub development (23/01203/RES) and the Sports Pavilion development (23/01202/RES) are complete.</p>

Witney Town Council ask that Section 106 funding be sought for associated infrastructure for this area, including play areas, benches, waste bins, dog bins and grit bins. And if applicable a Section 278 request from Oxfordshire County Council, or other developer contribution to enhance Active Travel, specifically for the long-awaited Deer Park Road to Curbridge Bridleway improvements which runs through the estate.

Major Planning Applications
Team

03/07/2023

Highways: Objection for the following reasons.

- Visitor parking provisions and swept path analysis require revision.

LLFA: No Objection Subject to Conditions

Education: No objection subject to:

- S106 Contributions
Primary and nursery education - £528,584
Secondary education - £467,856
SEND - £44,871

Archaeology: No objection

Waste: No objection subject to:

- S106 Contributions
Household Waste Recycling Centres - £6,953

Building Control: From reviewing the following we have the following observations to make:

- It is taken that where required these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

WODC Housing Enabler

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 percentage requirement will be met.

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

1 Bed (1 person) 714
1 Bed (2+ persons) 130

2 Bed	301
3 Bed	124
4+ Bed	64
Total	1333

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	1
Gold	20
Silver	226
Bronze	1086
Total	1333

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

As can be seen in the data above, there is a high level of need in the district for 1 bedroom rental accommodation, hence this being requested in the Council's pre-application advice. The applicant proposes that the 1 bedroom homes included are provided as First Homes and I request that this is reconsidered to include rental homes.

The applicant proposes 3 and 4 bedroom homes to comprise 20% of the affordable housing mix. I further request that this is increased to around the 35% requested in the Council's policy guidance and preapplication advice.

For reasons of affordability, I request that affordable homes for rental are provided as Social Rent tenure and that it is agreed that rents are capped at the relevant Local Housing Allowance for the Witney area.

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 1333 applicants shown above, there are a further 875 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

WODC Planning Policy
Manager

The applicant has incorporated plots designed to meet Building Regulations Part M Policy in the Planning Layout which is appreciated.

Land to the West of Witney has extant outline permission for development comprising up to 1,000 dwellings; an employment area of 10 hectares (classes B1, B2 and B8) including provision for a possible energy centre; a local centre (classes A1- A5, B1(a), C2, C3, D1 and D2) C2 uses; a primary school; possible secondary education; playing fields and associated changing facilities; new access` for vehicles, pedestrians and cyclists (including new junction at the A40/Downs Road) creation of general amenity areas and formal open space, including allotments; creation of landscaped areas; sustainable drainage measures; including storage ponds, creation of ecological habitat areas; and associated engineering and service operations;

Development at West Witney has been delivered in phases and the district council has approved a number of reserved matters applications for these phases of development.

A key piece of community infrastructure is no longer required, and an opportunity has arisen to develop the space for other land uses.

Site Context

Situated in a central position in the West Witney development area, to the west of Centenary Way, the main spine road that runs through the development area. There are existing residential properties to the south and east, an area of open space and children's play area to the north. The proposed site wraps around the eastern and southern sides of existing football pitches that have been laid and that would have been linked to the proposed secondary school.

OSI - Presumption in favour of sustainable development.

At the present time, the District Council acknowledges that it is not able to demonstrate a 5-year supply of deliverable housing land. As such, the 'tilted balance' of the NPPF is engaged and there is a presumption that permission should be granted unless there would be a significant and demonstrable harm that outweighs the benefits. Relevant policies of the Local Plan are also only able to be afforded limited weight.

In this instance, the provision of an additional 74 dwellings (including a policy compliant level of affordable housing) would clearly make a strong contribution towards meeting the current housing supply shortfall and this benefit must be significant weight in terms of the overall planning balance of the proposal.

OS2 - Locating Development in the Right Places.

The proposed development site is located within the West Witney development area. Witney is a main service centre and is suitable for a significant number of new homes.

Regard should be had to the General principles of Policy OS2 which remain relevant regardless of the 5-year housing land supply position as they are general principles that apply to all forms of development, not just residential proposals. I note that the applicant in their planning statement has considered each of these principles and explained how the proposal is consistent with them.

Having reviewed the submission I agree to an extent with the comments made in that the proposal is likely to be proportionate in scale to the local context, however consideration should be given as to whether it forms a logical complement to the existing pattern of development in the area. Consideration must also be given to whether the development can be provided with safe vehicular access and whether it would result in a loss of any open space that makes an important contribution to the character or appearance of the area.

OS3 - Prudent Use of Natural Resources.

I note the commitment to the new dwellings achieving a water efficiency standard of 110 litres / per person /per day in line with Policy OS3 which is welcome, along with the proposed density of development, a fabric first approach to the use of building materials and the provision of EV charging points on all plots.

OS4 - High quality design.

Regard should be had to the criteria of Policy OS4 and whether the proposal is well designed and whether it contributes to local distinctiveness. I note that despite being a separate, full application, having regard to the pre-application advice received, the application has been submitted in accordance with the overall West Witney Design Code which is welcome. Regard should also be had to the general principles of the National Model Design Code and Guide as well as the West Oxfordshire Design Guide (2016).

Consideration should be given to the impacts on nearby residential properties, particularly as the proposal will alter mix of land uses and anticipated character of the estate compared to the outline permission for the site. The proposed school that would have occupied the site would have provided some amenity green space as part of the green infrastructure for the site.

OS5 - Supporting infrastructure.

The West Witney development area has been phased in line with the delivery of necessary infrastructure to support the needs of the growing population. It has been determined that the secondary

school is no longer needed, and so additional land is now available for other land uses.

It should be noted that the local centre and other retail uses have not yet been delivered as part of the wider development and so access to services and facilities for both existing and potential new residents is relatively limited. It should be considered whether additional residential development is acceptable in this location prior to infrastructure and community uses being in place.

I note that a number of the objection comments raise the issue of school places and children being able to access the primary school on-site. Clearly the proposal will increase the number of school age children on the estate and so the capacity of the school to absorb additional pupils should be carefully considered.

H2 - Delivery of new homes.

New dwellings will be permitted in main service centres on undeveloped land within the built-up area provided that the proposal is in accordance with the other policies of the plan and in particular the general principles of Policy OS2.

Delivery of additional new housing in this location would represent windfall development as it was not previously planned and counted as part of the local Plan housing trajectory. Windfall developments have historically formed a large component of housing delivery in West Oxfordshire.

As Local Plan housing allocations in Witney are not yet being built in accordance with the anticipated Local Plan housing trajectory, the delivery of additional windfall will make a valuable contribution to meeting the housing requirement for West Oxfordshire including the short-term 5-year housing land supply.

H3 - Affordable housing.

I note that the number of affordable units to be delivered on site is consistent with Policy H3 at 40% which is welcome. The proportionate split between affordable rented and affordable home ownership is also consistent with Policy H3. I note that a proportion of First Homes are proposed in accordance with the Affordable Housing SPD indicative tenure split.

Consideration should be given as to whether the size mix of affordable housing provision is appropriate. The general guide of the Local Plan with regard to affordable housing proportions, is for 65% one- and two-bedroom homes and 35% three and four bed homes. The proposed mix of affordable housing sizes appears to be skewed towards smaller units.

H4 - Type and mix of housing.

Regard should be had to the proposed mix of dwellings to understand how it will create a more balanced housing stock within the district and meet the needs of a range of different groups.

Affordable housing within the proposal appears to be skewed towards smaller dwellings, while market housing tends towards larger dwellings. The mix of dwelling types and sizes is considered appropriate over the site as a whole, but information on how the proposed mix will meet local needs could be useful.

I note and support the commitment made to the provision of accessible and adaptable homes and wheelchair adaptable homes in accordance with Policy H4, including 19 dwellings constructed to Part M Category 2 and 4 dwellings constructed to Part M Category 3.

E5 - Local services and community facilities.

The provision of the secondary school on site was to support a wider range of community uses including changing facilities for the sports pitches. Consideration should be given to whether alternative suitable provision is being made for the loss of planned community infrastructure in this location, as a result of changes to the overall outline planning approval for the West Witney development area.

Development at West Witney has been phased in accordance with the delivery of community services and facilities. Planned services and facilities, including a local centre have not yet been delivered, so consideration should be given to whether adequate provision is or will be made to support a growing population in this location.

EH4 - Public realm and green infrastructure.

Existing areas of public space and green infrastructure of West Oxfordshire will be protected and enhanced for their multi-functional role.

New development should avoid the loss, fragmentation, loss of functionality of the existing green infrastructure network and maximise opportunities for urban greening through appropriate landscaping.

It is noted that the concept plan for the West Witney development included an area of proposed new planting to the north and east of what is now Mott Close. Consideration should be given as to whether the residential soft landscape proposals maximise urban greening and adequately replace the anticipated green infrastructure provision indicated in the outline planning for the development as a whole.

EH7 - Flood Risk.

It is noted that the site is located entirely within Flood Zone 1 and has a low probability of flood risk. The applicant's drainage strategy indicates the siting of two drainage attenuation basins in close proximity to the proposed pavilion and car parking to the north and east of the proposed development site.

Consideration should be given to the need for these drainage features as well as their compatibility with adjoining land uses and whether they would function as part of the wider green and blue infrastructure network for the site.

Env Health - Lowlands

Noise and Amenity - No objections to raise on this application. I would ask however for a condition to be attached to any consent granted in respect of noise.

ERS Contamination

Further to the above application, I have no objection to the development on the grounds of air quality, however, to ensure electric vehicle charging points are available to all residents, I would recommend the following condition:

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

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

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

The following report has been submitted in relation to contaminated land.

- T&P Regen. Desk Study and Ground Investigation Report.
Reference: P0113/CS-J-1656. 22.12.22.

The report details the findings of a desk-based study site walk over and an intrusive investigation. In general, the conclusions and recommendations made in the report are supported. Please could the following questions be passed to the applicant for clarification.

- The report mentions a number of previous phases of work that have been completed on site. Please can these reports be submitted to the case officer.
- Has the potential for ground gas to have been generated by the underlying limestone been considered?
- Aerial photographs of the area from 2019 and 2021/22 appear to show the site stripped and an area of stockpiled soils. Does the applicant know what these works were related to and has the area beneath the stockpile been investigated? What will happen to the stockpile during the development? Is a material management plan required?

Depending on the responses to these questions the following condition may be appropriate to add to any grant of permission.

- I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

Oxford Clinical Commissioning Group NHS

No objection subject to a financial contribution of £69,048 towards consulting rooms to cope with increased population growth as a direct result of the increase in dwellings.

Thames Water

Waste Comments;

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

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in

- accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments;

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Supplementary Comments.

Waste: Thames Water advise that a drainage strategy should contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points. This data can then be used to determine the impact of the proposed development on the existing sewer system. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken.

WODC - Arts

No Comment Received.

WODC - Sports

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

Offsite sport hall provision of £36,175 toward the cost of a replacement or improvement to sports halls in the catchment area.

Offsite swimming pool provision of £39,998 towards the cost of a replacement or improvement to pools in the catchment area.

Onsite formal outdoor sports provision of £349,800 towards a Playzone or other outdoor sports facilities.

Total request = £425,973 towards leisure and sports facilities in the catchment area - specific details above. Figures are index-linked to third quarter 2022 using the BCIS All in Tender Price Index published by RICS.

District Ecologist

26/06/2023

It doesn't appear that the applicant has submitted any information relating to a measurable biodiversity net gain for the above application. I have outlined the information that is required to be submitted for all major planning applications:

- a) Biodiversity Impact Plan. This can be produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. It should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). This can be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.
- b) Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable, and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan. As above, this information can also be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.
- c) A full copy of the spreadsheet, detailing the Biodiversity Metric (Defra 4.0 metric): The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. The completed spreadsheet or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.

The BNG assessment can be included as a section (e.g. a chapter) of the EclA report or as a separate report.

In summary, to carry out a robust assessment of the metric calculations, all of the above information is required. This includes the original metric spreadsheet as well as the site and habitat data (pre and post development) in a GIS format. This information does not yet seem to have been fully supplied and therefore is required.

WODC Landscape And
Forestry Officer

No Comment Received.

Designing Out Crime Officer

Thank you for consulting me on the above application. I have reviewed the submitted documents and crime statistics for the local area. The layout is largely acceptable with well-defined perimeter blocks and secure rear gardens, however I have some concerns with the proposals in terms of the potential for crime and disorder, and for that reason I am unable to support this application in its current

form and ask for some amendments to plans prior to permission being granted.

In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that conditions be placed upon any approval.

Parking Surveillance is a concern, particularly for in-curtilage parking where vehicles are not currently well overlooked by the dwelling that they serve, leaving vehicles and garages vulnerable to crime.

- Windows should be added at ground floor level in elevations overlooking parking, from an active room (Kitchens or living rooms), to maximise surveillance opportunities over parked vehicles and garages. Some dwellings throughout the development require additional windows - note cloakrooms/bathroom windows with obscured glass do not provide any surveillance opportunities.
- Plot 74 - the dwelling boundary overlooking the parking for the plot should be formed of 1.5m solid boundary with a 0.3m visually permeable topper, to aid surveillance over parking - Closeboard fencing with a trellis topper for example.
- It is important that parking spaces with EV Charging in particular should be well overlooked by surveillance, as this equipment is valuable and theft of EV charging cables and equipment is a significantly increasing crime threat.
- The courtyard parking for the apartment block should be overlooked by additional windows in plot 25/34.
- The courtyard parking for the apartment block should be enclosed with a boundary to prevent excessive permeability and provide only one point of entry and exit for both vehicles and pedestrians. To maintain surveillance, I recommend a boundary such as 1.2m bow top fencing with hedging either side to make it more difficult to climb.

Defensible Space and planting

- I recommend plot 34 is amended to provide additional standoff and protection from the apartments parking court. It would be recommended to relocate the garden gate alongside the dwelling, and shift parking spaces away from the garden boundary to enable defensible space and planting to be provided (as indicated in green below).
- Surveillance Corner plots must be exploited to maximise surveillance over the public realm, with dual aspect windows from active rooms (kitchens or living rooms) added to "turn the corner". They should be orientated to maximise the surveillance opportunities they provide.

- Plot 4/22/44/59/70 should have an additional window in the kitchen/diner or living room as appropriate to turn the corner and enhance surveillance.

Apartment Block Building Security.

In terms of security, the apartment block must follow the best practice recommendations of Secured by design, and details of proposed building security arrangements including access controls and secure mail services should be included within the application. Unrestricted access to apartment blocks should not be possible, and residential access should be controlled by a two-way audio-visual system with remote access controls. No trade button should be present. Security for the apartment block should include;

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio/visual communication between the occupant and the visitor;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Ability to recover from power failure instantaneously;
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR)

(Apartment block - Continued)

Cycle storage.

The proposed external cycle store for the apartment blocks is not an appropriate solution for residential cycle storage, and leaves residents' cycles at elevated risk of theft. It is highly likely that residents will abandon this exposed store, in favour of taking cycles into the building, creating the risk of corridor obstruction and fire egress risks. Secure, fully enclosed and lit cycle storage must be provided for the apartment block, with entry to the store controlled in the same way as access to the main building. The entrance to the cycle store should be located and orientated to ensure it is overlooked by surveillance to deter unauthorised entry attempts.

Bin storage.

The external bin storage must be robustly secured to prevent unauthorised access, and I recommend the store is secured with doors certificated to LPS 1175 SRI or equivalent. I note double leaf

doors are proposed, which are vulnerable to being left insecure. A more secure alternative I recommend is a large single leaf door, fitted with self-closing hinges.

Amenity space.

I am unable to locate any private enclosed amenity space for the apartment block.

Lighting.

Lighting throughout the development should meet the general standards of BS5489-1:2020. Lighting plans should be provided which should set out how this standard will be achieved not only on adopted highways, but also un-adopted roads and parking courts. Note above, parking court lighting should be included within the plan, and be fed from the main highway. Bollard lighting is not an appropriate lighting method and should be avoided. Not only they can be damaged by reversing vehicles, more critically they do not provide sufficient light at the right height to aid facial recognition and reduce the fear of crime. It also does not deter crime and antisocial behaviour. Residential dwellings should be provided with photoelectric "Dusk till dawn" lighting to illuminate the main entrance to the dwelling.

Rear access routes.

Rear access routes must be secured to the front of the building line and secured with a robust key operated lock operable from both sides.

- A gate needs to be added to the front of the rear access route for plots 66-69 and 23/24.

Utility Meters.

Unless smart meters are specified, private utility meters must be located where they are easily accessible and visible from the public realm. They must not be located behind a secure boundary or within the rear garden or rear access routes. Locating the boxes in private areas creates a risk of distraction burglary for occupants, particularly elderly or vulnerable residents. Utility boxes must not be deliberately hidden, as this gives a burglar or criminal a legitimate excuse of "trying to find the meter to read it", whilst being in private spaces.

The above comments are made on behalf of Thames Valley Police and relate to crime prevention design only.

Natural England

No Comment Received.

Climate

No Comment Received.

ERS Air Quality

No Comment Received.

2 REPRESENTATIONS

2.1. 46 third party objections relating to:

- Requests Grampian condition;
- The community hub should be completed before the homes;
- The sports pavilion should be completed before the homes;
- The shops should be completed before the homes;
- Roads of the estate are not yet finished;
- The secondary school should be completed;
- Homes were sold with the understanding that a secondary school would be built;
- The local authority has failed to deliver the additional community facilities;
- New dwellings would only exacerbate the existing pressure on the infrastructure and amenities of the estate;
- Increase traffic congestion;
- Increase noise pollution;
- Have an environmental impact;
- Section 106 agreement associated with application Ref: 12/0084/P/OP indicated that the consortium would provide a number of benefits to the local community. Consortium are in breach of this;
- Object to the selling and building of additional houses before the completion of - the Local Centre (23/01203/RES), - all road resurfacing within Windrush Place, - bridle paths, and – landscaping;
- The skyline for houses facing this new development will be seriously impacted;
- Insufficient facilities for the current level of residents;
- Feel like home was mis sold;
- Travel to other school's conflicts with Air Quality Action Plan;
- Housing is much needed to impact market pricing. However, it is incredible that OCC is no longer able under the Academy system to direct the delivery of new schools. National failures have led us here;
- Loss of public access open space;
- Affect local ecology;
- A large number of trees from earlier phases are dead, and under the wider landscape management plan need to be replaced and further enhanced;
- While designs are not spectacular they are safe and in keeping with the rest of the development;
- Overlooking;
- Loss of privacy;
- Flooding;
- Highway safety;
- The parking for visitors in Mott Close is non existent;
- Loss of turning area in Mott Close;
- Have to drive to secondary school;
- The land elevates so the homes behind will over look and over shadow those on Mott Close;
- Affect birds, bats and owls;
- Affect property value;
- Disruption during construction;
- Loss of light;
- Loss of views;

- Purchased home on premise that school/green space would be created and not more homes;
- Loss of turning space;
- There is a problem with youths and antisocial behaviour. This will only get worse;
- Limited existing community space;
- There is little to nothing for children to do here, no shops no decent play area;
- We purchased our house in the understanding that there were to be no more houses. This is against what we were told;

3 APPLICANT'S CASE

3.1 The applicants Planning Statement concludes as follows:

3.2 The principle of bringing forward the site for residential development is firmly established. Firstly, residential was considered as an alternative use to the secondary school during the determination of the outline planning permission for West Witney and found to be acceptable. Secondly, the proposals fully accord with the requirements of Policy OS2 of the Local Plan which are used to determine the appropriate locations for development.

3.3 The proposals fully comply with relevant development management policies in the Local Plan and have been amended as a result of engagement with the District Council, County Council and Town Council, as well as feedback from local residents.

3.4 The District Council is currently unable to demonstrate a 5-year supply of housing. The proposal would help to address this shortfall.

3.5 Based on the above it is considered that there is an overwhelming justification for planning permission being granted.

4 PLANNING POLICIES

NPPF 2021

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 children's 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

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

5. PLANNING ASSESSMENT

- 5.1 The proposal is a full planning application for the 'erection of seventy four dwellings and associated infrastructure (amended plans)'.
- 5.2 The site is bound to the east by Centenary Way, beyond which is a recently constructed residential area. To the south is another area of recent residential development (Mott Close). The land to the north has reserved matters approval for a landscape corridor. To the west is two football fields and open space. The site extends to approximately 3.08 hectares of land.

Relevant Planning History

- 5.3 12/0084/P/OP: Development comprising up to 1,000 dwellings; an employment area of 10 hectares (classes B1, B2 and B8) including provision for a possible energy centre; a local centre (classes A1-A5, B1(a), C2, C3, D1 and D2) C2 uses; a primary school; possible secondary education; playing fields and associated changing facilities; new access` for vehicles, pedestrians and cyclists (including new junction at the A40/Downs Road) creation of general amenity areas and formal open space, including allotments; creation of landscaped areas; sustainable drainage measures; including storage ponds, creation of ecological habitat areas; and associated engineering and service operations; as amended by additional information received 16/11/12, diversion of bridleway. Approved subject to a legal agreement 04.04.2017.
- 5.4 23/01202/RES: Reserved matters application for a sports pavilion and associated infrastructure including 65sq.m solar panel array (Amended). Approved 22/09/2023.
- 5.5 23/01203/RES: Reserved matters approval for local centre and associated infrastructure pursuant to outline permission 12/0084/P/OP. (Currently being assessed by the LPA).
- 5.6 22/03239/SCREEN: Screening Opinion for residential development of 70 dwellings and associated infrastructure. EIA not required 22.02.2023.
- 5.7 The site is not the subject of any national or local landscape designations nor is it a valued landscape. There are no listed buildings, conservation areas or Scheduled Ancient Monuments within 400m of the site.
- 5.8 The application is before Members of the Lowlands Area Planning Sub Committee as Witney Town Council have objected to the proposal.
- 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 and Form;
 - Highway Safety;
 - Accessibility;
 - Drainage and Flood Risk;

- Ecology;
- Residential Amenities;
- Affordable Housing;
- SI06 Matters;
- Other Matters; and
- Conclusion

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 Witney is identified as a 'Main service centre' in the Local Plan and Policy H2 sets out when new housing would be acceptable in principle at the main service centres. The circumstances that apply to the development site are:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan; or
- On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.

5.12 The site is considered to be undeveloped land within the built-up area and as such, housing is supported in principle (provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2).

5.13 Furthermore, the site sits wholly within the West Witney development area allocation which was allocated in the adopted Local Plan (2006) as a reserve mixed use housing development site. Point 9.2.28 of the current Local Plan explains that 'The largest committed site is the proposed West Witney (north Curbridge) urban extension which was allocated as a reserve site in the adopted Local Plan. The outline consent envisages the provision of 1,000 new homes plus 10 hectares of new employment land *although it is possible that through detailed planning applications the number of new homes could increase to around 1,100*'. The outline permission for the West Witney area (ref 12/0084/P/OP) granted permission for up to 1000 houses (amongst other uses) and of note is that point 9.2.28 of the current Local Plan references that up to 1,100 could be delivered on the site.

5.14 Officers note that the indicative plans for the outline application (ref 12/0084/P/OP) shows a secondary school on the proposed site. However, as set out above, the outline planning permission secured land for the possible delivery of a secondary school. Under the terms of the Section 106 Agreement dated 3rd April 2017 that accompanied the outline planning permission Oxfordshire County Council had until the occupation of the 50th dwelling to confirm whether or not the land secured for the secondary school was required. On 20th December 2022 the County Council sent a letter to the Consortium which formally confirmed that the land is not required.

5.15 The site is undeveloped land within the built-up area and is within a wider area of land that was allocated for housing. While the land parcel itself was provisionally secured for secondary education, this is no longer required, and housing is proposed instead. In light of the above assessment, officers are satisfied that the development can be supported in principle subject to accordance with the Local Plan as a whole.

National Policy

5.16 Notwithstanding Local Plan policies, officers must also take national policies into consideration. 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.

5.17 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.

5.18 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).

Standard Method

5.19 The NPPF is clear that once a Local Plan is more than 5 years old, unless strategic housing policies have been reviewed and found not to require updating, the 5YHLS position should instead be calculated on the basis of the Government's standard method. The result of this is that from 27 September 2023 onwards (the date at which the Local Plan becomes more than 5 years old) the Council will calculate its housing land supply position on the basis of the standard method rather than the stepped housing trajectory of the Local Plan. An updated position statement will be published in October on this basis. However, this application is due to be heard by Members of the Lowlands Area Planning Sub-Committee on October 9th and the updated position statement is unlikely to be published prior this.

5.20 In light of the above, officers must take the last formal position of the LPA to assess this planning application. 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 of the NPPF is engaged and the housing shortfall is significant.

Siting, Design, Form and Landscape Impact

5.21 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.

5.22 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.

5.23 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.

5.24 The site sits within the West Witney allocation which is a modern housing development to the west of Witney, north of Curbridge. The application site itself is located broadly towards the centre of the West Witney development. As noted, the site was provisionally allocated for a secondary school with its associated car park and playing fields. However, that is no longer required, and housing is now proposed. The site is broadly rectangular in shape and sits to the north of a small cul de sac (Mott Close).

5.25 While the application is being made in full and not subject to the requirements of the outline planning permission, pre application guidance from the LPA to the developer requested that the proposals comply with the approved Design Code for the West Witney development. That has indeed been carried through to the scheme as submitted.

5.26 The majority of the dwellings are two storeys in height. The exception is the apartment building in the north-eastern corner which is proposed as a three-storey landmark building. The development comprises a mix of apartments, terraced, semi-detached and detached housing to reflect the surrounding context. Four dwellings (two detached and two semi-detached) will front Mott Close, this ensures this area of the site does not 'turn its back' on Mott Close and instead blends seamlessly with it.

5.27 The layout reflects the pattern of development found throughout the wider West Witney development with Spine, Community Quarter and Edge areas included. The dwellings to the east of

the site would front Centenary Way and this relationship is found further to the south on Centenary Way too.

- 5.28 In terms of materials, these are reconstituted stone, render, some red brick, grey and red/brown tiles. These are found throughout the wider site and are acceptable.
- 5.29 In terms of landscaping, trees, shrubs and soft landscaped areas are proposed throughout.
- 5.30 Overall, the proposed development takes cues from the wider site in terms of materials, scale, layout, and density. Officers consider that the new homes would successfully integrate with the surroundings and would not cause any harm in relation to landscape, the character and appearance of the area, or nearby built form. As such the proposal accords with policies OS2, OS4, EH2 of the Local Plan and the NPPF in that regard.

Highway Safety

- 5.31 OCC Highways initially objected to the scheme in relation to visitor parking provisions stating 'Visitor parking along the spine road is located within the visibility of new accesses and is not be acceptable. Junction and Forward Visibility Splays and dimensions must be in accordance with the County's Street Design Guide and dedicated to the County if they fall out of the existing highway boundary'. OCC Highways also objected in relation to swept path analysis stating 'The County requires a swept path analysis for an 11.6m in length refuse vehicle passing an on-coming or parked family car throughout the layout. The carriageway will require widening on the bends to enable this manoeuvre. Vehicle should not track over private areas'.
- 5.32 The applicant submitted new details in an attempt to address the reasons for objection, however, OCC are maintaining their objection as the information submitted was insufficient.
- 5.33 Officers are mindful of the objection comments received relating to congestion, and lack of visitor parking/loss of turning area in Mott Close. However, the existing turning area in Mott Close will not be lost and while there is no visitor parking in Mott Close, there are no parking restrictions either such that visitors can park on the highway. Considering the area is a cul de sac, vehicles speeds will be low, and pavements are readily available. Such that on street parking is not considered to be harmful to highway safety. In regard to the congestion objection, the homes would be in place of a secondary school. OCC commented on 03/07/2023 that 'The planning application is accompanied by a Transport Statement (TS) which is considered to be a suitable level of submission for a development proposal of this size.' OCC go on to state that when comparing trip numbers between the secondary school and the dwellings 'a net reduction of 67 trips in the AM peak and a net increase of 76 trips in the PM peak'. The proposed use for residential therefore is broadly commensurate with the use as a secondary school and as such, the impact is likely to be negligible and officers do not consider that congestion would occur.
- 5.34 Officers note that OCC are still objecting however, they relate to technical matters that could be overcome with amendments and the submission of new details. As such, this is not a reason for refusal and officers are satisfied this can be overcome.

Accessibility

- 5.35 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.

- 5.36 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).
- 5.37 The site is just 460m from the nearest primary school, well within the 800m guidance. However, officers are mindful of the lack of other key services and facilities in the estate at present. Particularly considering the strength of local feeling in regard to the developer not delivering these facilities in good time. Officers would like to highlight the press release titled 'West Oxfordshire District Council working hard with developer to deliver facilities at Windrush development in Witney' dated 19/09/2023 available here <https://news.westoxon.gov.uk/news/west-oxfordshire-district-council-working-hard-with-developer-to-deliver-facilities-at-windrush-development-in-witney>.
- 5.38 The press release explains that 'The vast majority of community benefits have already been provided by the developer including affordable housing, the employment area, allotments, ecology corridors, footpath and bridleway improvements within the site, the primary school and substantial contributions to the West Witney sports grounds, off site footpath improvements and better bus services. Since planning was approved the credit crunch, Brexit, the pandemic and changes to the retail environment have impacted on the delivery of the scheme along with many others across the country. The two main elements that remain outstanding are the shops and the sports pavilion. Legal specialists have advised it is not appropriate for the Council to take legal action to force their delivery at this point because the developer has made planning applications for these facilities and fully intends to deliver them'. The associated applications for the shops and sports pavilion are 23/01203/RES and 23/01202/RES respectively. The sports pavilion was approved on 22/09/2023 and the shops application is currently being assessed. As explained, the developer intends to deliver these facilities.
- 5.39 With the future delivery of these facilities in mind, both of which would be located well within the 20-minute guidance of the site, officers cannot object on these grounds. The proposal would meet the definition of a 20-minute neighbourhood and also public transport options are 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

- 5.40 The site is within flood zone 1 which is the lowest risk of flooding. The LLFA at OCC were satisfied that drainage could be dealt with by conditions in their first comment dated 03/07/2023. However, in a later comment dated 15/09/2023, they are objecting due to lack of detail. Drainage has not changed between July and September and as such, officers will take the July comment as correct.

- 5.41 Thames Water (TWA) have also raised no objection however, they are requesting conditions relating to foul drainage and water supply as they acknowledge that insufficient capacity exists in the network. These conditions ensure that the development cannot be occupied until confirmation is received from TWA that sufficient capacity exists in the network, and these will be applied.
- 5.42 Thames Water explained that a water main runs through the site and dwellings cannot be built within 3m 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.
- 5.43 Officers note the comments relating to localised drainage issues for Mott Close and the French drain. However, finer drainage details are required by condition and as the applicant is the same for this scheme as the rest of the site, they will be aware of the French Drain. Moreover, drainage is likely to be improved in the area by the installation of a new surface water drainage infrastructure and as such the situation is likely to improve.
- 5.44 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.

Ecology

- 5.45 Insufficient information was submitted to enable officers to complete a thorough assessment with regard to the impact to biodiversity and as such further information was required. The applicant has submitted the required information however, the Council's Biodiversity Officer is yet to comment on the new details. While that is the case, officers have viewed the submissions and visited the site. The site appears to have limited ecological value being bare ground and poor-quality grassland. In addition, the submitted Biodiversity Net Gain Assessment indicates that the proposal would achieve a substantial net gain of 52.45% increase in habitat units and an increase in hedgerow units. As such, the proposal will achieve net gain and the impact to ecology is likely to be acceptable. However, the Council's Biodiversity Officer is yet to review these details and has not suggested the relevant conditions.

Residential Amenities

- 5.46 Officers note the objection comments in relation to overlooking and loss of privacy. The Local Plan does not contain policies that are explicit in acceptable window to window distances between dwellings. Nonetheless, the industry standard is 21m. Officers have measured the plans and none of the dwellings would be within this 21m distance either to each other in the new development or to the existing dwellings on Mott Close. In fact, the rear elevations of plots 59-64 will be approximately 25m from the rear elevations of 25-29 Mott Close, this is in excess of the industry standard. While some mutual overlooking into gardens will occur, this is common in built up area such as this and is not harmful.
- 5.47 Plots 71-74 will face 1-4 Mott Close. However, this will be over a highway with pavements, thus the existing situation is that the front elevations of 1-4 Mott Close are not private. Such that they cannot lose privacy. This also applies to the balcony on the front elevation of 1 Mott Close, which can be viewed by any passing pedestrian already. While inter-looking views will increase, this is not harmful.

5.48 In regard to loss of light and overshadowing. The new dwellings would be erected to the northwest of Mott Close. When considering the separation distances that vary between 27m (plot 59 to 25 Mott Close) and 18m (between plot 71 and 1 Mott Close) combined with the path of the sun which shines from the south (the new dwellings are to the north), loss of light and overshadowing is unlikely.

5.49 The introduction of new dwellings next to a residential area will not result in unacceptable noise, pollution (including light), odours or vibration impacts and there is no right to a view. Thus, officers are satisfied, for the reasons outlined, that the proposal will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, loss of light, overbearing or overshadowing impacts, noise, pollution (including light), odours or vibration and suitable amenity space is provided for the new dwellings.

Affordable Housing

5.50 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.

5.51 The Council's Strategic Housing and Development Officer is satisfied with the amount of affordable housing provided but asked for some changes as set out in their comment above. In response, the applicant amended the mix to increase the number of 3- and 4-bedroom homes to 33%. However, a request was made that the 1-bedroom homes that are currently provided as First Homes should be reconsidered to include rental homes. Officers met with the applicant to discuss this, and it is not practicable to provide a mix of tenures within an apartment block as it creates issues with the conveyancing process and registered providers taking on these homes. As such this was not progressed. A further request for the homes for rental to provide as Social Rent tenure was also made. However, the proposed delivery of Affordable Rent has been delivered throughout the rest of the site and as such this was not progressed.

5.52 While the scheme could be improved in terms of affordable housing, the scheme is policy compliant and accords with H3.

SI06 Matters.

5.53 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.

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

5.55 OCC seek the following contributions:

- Administration and Monitoring Fee: TBC
- Highway works: TBC (pro-rata - for Pedestrian and cycle off site improvements)

- Public transport services: £99,000 (The continuation of existing services and delivery of enhanced services)
- Public Rights of Way: £25,000 (Surface, infrastructure and signing works to Witney Bridleway 410/44.)
- Primary and Nursery Education: £528,584
- Secondary education: £467,856
- Special education: £44,871
- Household Waste Recycling Centres: £6,953

5.56 OCC also require the Applicant to enter into S278 agreement(s) to secure amendments to the already constructed access on Centenary Way. This is to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

5.57 The NHS require £69,048 for consulting rooms.

5.58 The Council's Sports and Leisure Team require:

- Offsite sport hall provision of £36,175 toward the cost of a replacement or improvement to sports halls in the catchment area.
- Offsite swimming pool provision of £39,998 towards the cost of a replacement or improvement to pools in the catchment area.
- Onsite formal outdoor sports provision of £349,800 towards a Playzone or other outdoor sports facilities.

5.59 Witney Town Council ask that Section 106 funding be sought for associated infrastructure for this area, including play areas, benches, waste bins, dog bins and grit bins.

5.60 The applicant has confirmed that they do not object to any of the requests in-principle and will accept any obligations that meet the tests set out in paragraph 57 of NPPF and CIL regulation 122. These requests will be addressed during the legal agreement negotiation phase in consultation with the relevant consultees.

Other Matters

5.61 A number of objection comments reference that they were sold their homes on the premise that a secondary school was being provided. Land for the secondary school was secured by the District Council however, the 2012 application was clear that while the land was provided, the delivery of the secondary school was not guaranteed as it required the County Council as the education provider to confirm the need for the school. On 20th December 2022 the County Council sent a letter to the Consortium which formally confirmed that the land is not required. As such, the land reverted back to the developer to dispose of as they see fit and that has necessitated this planning application.

5.62 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. As set

out above, the pavilion has planning approval, and the shops are currently being assessed by the LPA. Moreover, the developer has committed to delivering these.

- 5.63 A number of objections requested a Grampian Condition to ensure that the pavilion and shops are built before the new homes. These facilities are secured by way of a legal agreement that can be enforced should the LPA see fit to do so. Paragraph 56 of the NPPF states 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. As the pavilion and local centre are secured by a legal agreement they must be delivered and as such, a Grampian Condition is not necessary nor reasonable in this instance. Particularly, as a stronger level of control is in place to ensure the delivery of this infrastructure.
- 5.64 Witney Town Council raised concerns with the road layout and development layout as they include detail from other proposed schemes, under different application numbers that are yet to be decided. Officers are aware of this however, application 23/01202/RES is now approved, and the access road and drainage pond proposals are identical for that application and this. So, there are no concerns in that regard. Nonetheless, it is for the developer to ensure that the relevant conditions from the relevant permission are discharged before work begins on these shared areas.
- 5.65 Witney Town Council also request an EIA (Environmental Impact Assessment) be submitted for the scheme. However, the LPA has already assessed this during a Screening Opinion request in early 2023 (ref 22/03239/SCREEN) and the LPA decided that an EIA is not required.
- 5.66 Construction will cause some disturbance, but this is temporary and will be controlled by a Construction Management Plan.
- 5.67 Thames Valley Police suggested a series of design changes as set out above. Officers have conducted a review of the layout and consider that no amendments are necessary to address the comments from Thames Valley Police. The layout provides good levels of passive surveillance of parking spaces, consistent with the previously approved phases of West Witney. As the current layout is broadly consistent with the wider development, officers consider that the risk of crime would be low for the site. Thus, no further changes nor conditions are required in that regard.

Conclusion

- 5.68 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:
- 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.
- 5.69 Officers consider that there are no planning harms found and that the proposal accords with the development plan as a whole. As such, the tilted balance does not apply, and the application should be approved without delay.

- 5.70 However, there are highways and ecology matters yet to be overcome. Therefore, the recommendation is that the application to be delegated back to officers to approve, subject to overcoming the highways and ecology matters and the applicant entering into a legal agreement.

6 CONDITIONS

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

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

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

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

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

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

4. 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 subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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

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

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

- a) As built plans in both .pdf and .shp file format;
- b) Photographs to document each key stage of the drainage system when installed on site;

- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

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

- 6. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

REASON: In the interest of highway safety.

- 7. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.

REASON: In the interests of Highway safety.

- 8. Prior to first occupation, a Residential Travel Plan Statement and Residential Travel Information Pack should be submitted to the Local Planning Authority.

REASON: To encourage the use of sustainable modes of transport.

- 9. No development shall be occupied until confirmation has been provided that either:
 - 1. Foul water Capacity exists off site to serve the development, or
 - 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 - 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

- 10. No development shall be occupied until confirmation has been provided that either:
 - 1. All water network upgrades required to accommodate the additional demand to serve the development have been completed; or
 - 2. A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

11. Plots 1, 15, 16, 17, 18, 19, 20 and 21 shall not be occupied until the mitigation measures proposed for those plots in LFAcoustics Noise Assessment (April 2023) have been implemented in full.

REASON: To protect the amenity of the neighbourhood.

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

REASON: In the interest of air quality and to reduce fossil fuel use.

13. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

15. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

Notes to applicant

1. The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to

consider adoption of the estate road under Section 38 of the Highways Act.

2. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>
3. The developer can request information to support the discharge of Thames Water conditions by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).
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).

5. 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/>

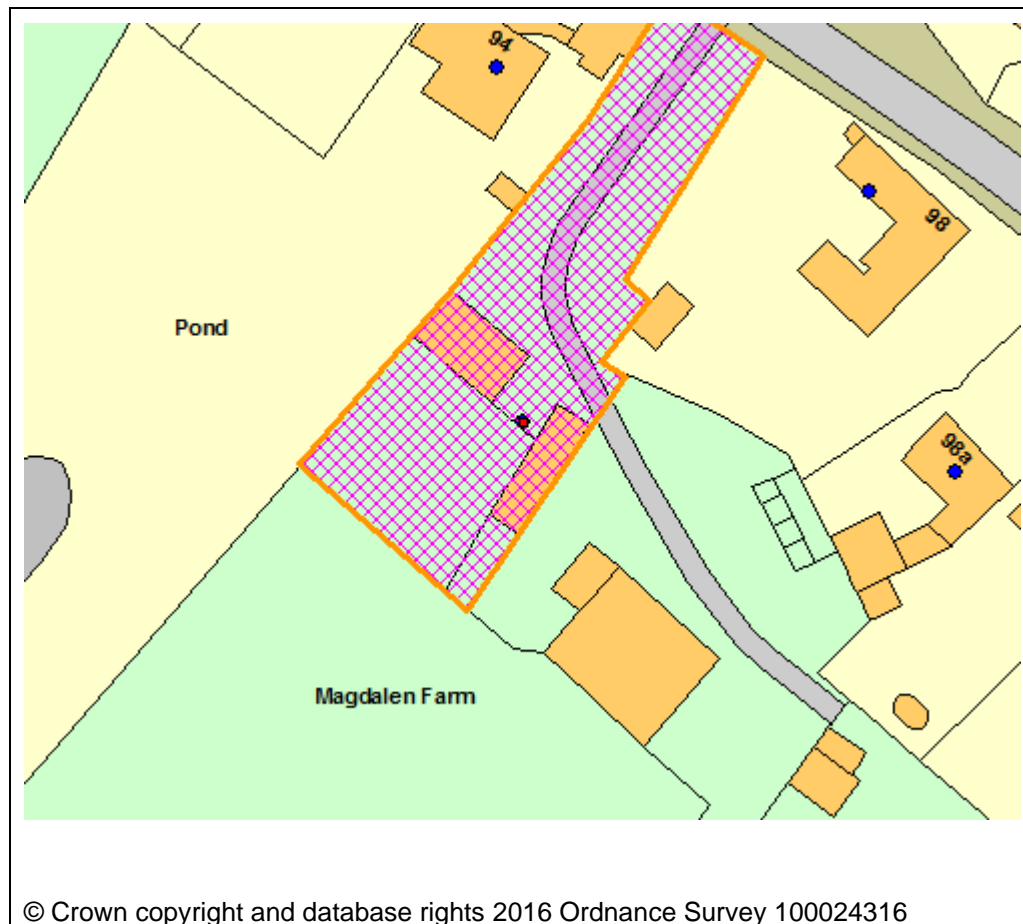
Contact Officer: David Ditchett

Telephone Number: 01993 861649

Date: 27th September 2023

Application Number	23/01628/FUL
Site Address	Former Magdalen Farmyard Abingdon Road Standlake Oxfordshire
Date	27th September 2023
Officer	David Ditchett
Officer Recommendations	Refuse
Parish	Standlake Parish Council
Grid Reference	438991 E 202993 N
Committee Date	9th October 2023

Location Map



Application Details:

Conversion of existing agricultural open cart shed by way of complete reconstruction to form a private residential dwelling house. Demolition of existing rearing pen and change of use of the site from agricultural to residential use. Modification of existing entrance.

Applicant Details:

Mr Andrew Townsend
1 Aston Road
Brighthampton
Oxfordshire
OX29 7QW

I CONSULTATIONS

Parish Council

Standlake PC has no objection to this application. However, the council would like to see a condition prohibiting further development on this site.

Conservation And Design
Officer

No comments.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

OCC Highways

The existing use has the potential to generate more traffic movements than that proposed.

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

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, subject to the following condition.

- G11 access specification

INFORMATIVE Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County 2 Council by way of legal agreement between the applicant and Oxfordshire County Council see Dropped kerbs | Oxfordshire County Council

Env Health - Lowlands

I have no objection in principle. I recommend conditions.

ERS Contamination

Given the agricultural use of the site and the proposed residential use please consider adding a condition to any grant of permission.

OCC Archaeological Services

Thank you for consulting us on this application, we have previously commented on a previous application for this site (22/01667/FUL), and although this new proposal is slightly smaller in scale, we will still require an archaeological evaluation is carried out.

The site of proposed development lies within an area of extremely significant archaeological potential which has been outlined in the submitted archaeological Desk Based Assessment (Oxford Archaeology 2023). It lies only 60m northeast of a Scheduled Monument, a prehistoric cropmark complex (SM 140). This nationally important cropmark area contains an extremely dense concentration of rectangular enclosures, ring ditches and tracks and is one of the most significant cropmark complexes in the county. The cropmark complex appears to represent dense occupation and activity from the prehistoric period, in particular the Bronze Age and probably Iron Age.

It is clear from aerial photographic evidence that a similar density of cropmarks continues outside of the scheduled area to both the north and the south. The remains of an Iron Age ring ditch and associated pits, post holes and ditches were recorded 40m west of the site of this proposed new dwelling during an archaeological excavation in 2006 ahead of the construction of a wildlife pond. Further substantial later prehistoric settlement remains have been recorded from cropmarks to the north of Standlake itself, 187m north of the application area.

It is therefore very likely that this proposed development will encounter further archaeological remains associated with the scheduled site immediately to the south of this proposal. The site has seen little disturbance and although it is of a relatively small scale any archaeological remains could therefore be fairly well preserved. Any later prehistoric archaeological remains could therefore be considered to be of a demonstrably equivalent significance to the scheduled which would require them to be considered in line with the policies for designated sites as set out in the NPPF 2021.

Further information will therefore need to be submitted with this application to be able to appropriately assess the significance of any archaeological heritage assets that may be impacted by this propose development.

In accordance with the National Planning Policy Framework (NPPF 2021, paragraph 194), we would therefore recommend that, prior to the determination of any planning application for this site the

applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

WODC Drainage

No Objection subject to condition.

District Ecologist

27/06/2023

I have looked at the above application, and note the site falls within a Red/Amber impact zone for Great Crested Newts but the Newt Officer has not been consulted. The Ecological Impact Assessment 2022 (4 Acre Ecology, May 2022) states that it is unlikely permission will be given to carry out a presence/absence survey or eDNA analysis on a neighbouring pond within 250m of the site, however as a precaution will be entered in to the District Licence scheme by NatureSpace.

The certification will need to be submitted before I can confirm approval, otherwise refusal will be recommended.

Newt Officer

Following on from this the applicant has now received their NatureSpace certificate, which they should be submitting to you in support of their application shortly.

Should you be minded to approve the planning application could you please ensure the conditions are attached to the decision notice verbatim. These can also be found on page 2 and 3 of their NatureSpace certificate.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

3.1 The application relates to After Use development of a redundant site and therefore the principal consideration is appropriate use.

- 3.2 Policy Considerations should include for the most beneficial impact on the whole site, its relationship to its surroundings and to the benefit of adjacent properties with special consideration to an adjacent listed building.
- 3.3 The exact area of the proposed site of development is outside of the line of sight of the original Magdalen Farm No.98 Abingdon Road, benefitting from the substantial tree screening along its southeast boundary and the substantial tree screening within the farmhouse site itself. Magdalen Farm will continue to look directly southwest onto the retained area of farmyard which thereby retains the principle heritage asset and continuity of history.
- 3.4 The benefit of onsite security and the vitality ensuing from the residential unit has the advantage of allowing the continuation of this heritage asset without the nuisance generated by actual intensive farming activity associated with a fully functional farmyard now relocated to Smockfarthing compound. The proposal represents a complete reduction in onsite trafficking, noise pollution and the associated smells and sounds of intensive farm activity within an active farmyard. It will also negate the Inevitable conflict between residential use and an alternative form of After Use as implied by the LA planning interpretation of Policy OS2 in regards to a presumption of maintaining employment with the inevitable consequence of Business B1 Use which will regenerate and intensify nuisances described above.
- 3.5 A further and essential benefit from the proposal is the maintenance, regeneration and preservation of the landscaping surround to the listed building as described and exemplified within the attached Arboriculture Report.
- 3.6 It should be noted that the Dutch barn and retained agricultural section is extremely isolated. The substantial tree screening, which will be retained and maintained to provide complete separation of activities towards the perimeter of the site and of the listed building currently, following the principle move to Smockfarthing compound, has left the location totally insecure. As such it is not viable for continued use without the injection of security offered by the residential proposal. Similarly, without viable use the dereliction will continue which will be to the detriment of the residential settlement in this locality. It is therefore our contention that the introduction of the residential unit, in addition to being a viable and appropriate use of land, is in every way compliant with Policy OS3 "it makes the most efficient use of land and building whilst having regard to the character of the locality". As such it is also compatible with Policy OS2 as a reasonable and appropriate use of the site having regard to the fact that employment has been maintained in the transfer of activity to Smockfarthing Farm.

4 PLANNING POLICIES

H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character

EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH11 Listed Buildings
EH13 Historic landscape character
EH14 Registered historic parks and gardens
EH15 Scheduled ancient monuments
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 site is a parcel of land with an access onto Abingdon Road. It comprises of a track, various agricultural buildings in a poor state of repair, grass, trees and hedgerows. The site formed part of a farmyard once associated with the adjacent Magdalen Farmhouse, a Grade II listed building, which shares a boundary with the development site.

5.2 The development site is located approximately 60m northeast of a Scheduled Monument, a prehistoric cropmark complex (SM 140 - 1006342). A small pond is also present 55m to the southwest of the site and several trees are located within and around the site.

5.3 There have been two previous applications for housing on the site.

20/02884/FUL: Demolition of farm buildings. Erection of two detached houses and a detached garage along with associated works. Refused 12.05.2021 (Appeal ref 3282184: dismissed 26/01/2022)

5.4 Application ref 20/02884/FUL was refused for the below reason:

By reason of the location of the proposed development, it has not been demonstrated to the satisfaction of the LPA that there is an identified need for dwellings in this location. In addition, by reason of the scale and siting, the development would not form a logical complement to the existing scale and pattern of development and would adversely affect the rural character and appearance of the locality, and harm the setting of the adjacent Listed Building. As such the proposal is contrary to Policies OS2, H2, OS4 and EH11, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

5.5 20/02884/FUL was subsequently appealed. The Inspector in their decision came to the conclusion that:

- The site would not fall within the definition of previously developed land. Therefore, for the purposes of policy H2, the appeal site proposes development on undeveloped land;
- Having regard to local planning policies, the proposal would not provide a suitable location for the housing proposed;
- The site forms part of the setting for the farmhouse and positively contributes to an ability to appreciate its significance;

- The development would erode the setting of the listed building, causing less than substantial harm which is not outweighed by public benefits;
- The proposal would not form a logical complement to the pattern of development which would be harmful to the character and appearance of the area; and the appeal was dismissed.

5.6 22/01667/FUL: Demolition of two redundant farm buildings: Change of use of the site of application from agricultural to residential use: the erection of a one and a half storey detached single dwelling with integral garage: modification to existing access gate. Refused 09.08.2022. (Appeal ref 3315043 is in progress).

5.7 Application ref 22/01667/FUL was refused for the below reasons:

1. *The proposed development would result in the erection of a new-build open market dwelling on undeveloped land adjoining the built up area of Standlake and insufficient evidence is presented to demonstrate that it is necessary to meet identified housing needs. In addition, by reason of the scale and siting, the development would not form a logical complement to the existing scale and pattern of development and would adversely affect the rural character and appearance of the locality. The proposed development is contrary to policies H2, OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031, and the relevant paragraphs of the National Planning Policy Framework. There are no material considerations that outweigh the conflict with the aforementioned policies and guidance.*
2. *The development site forms part of the setting for the Grade II listed Magdalen Farmhouse and contributes positively to an ability to appreciate its significance. The subdivision of the former farmyard, the introduction of a residential dwelling and the domestication of the site would erode the historic relationship of the former farmyard with the farmhouse, causing harm to its setting. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found. The proposed development is contrary to Local Plan Policies OS2, OS4, EH9 and EH11, the provisions of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.*
3. *The introduction of a residential dwelling in close proximity to the Scheduled Monument and the resultant domestication of the site would erode the historic rural setting of the Scheduled Monument, causing harm to its significance. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found. The proposed development is contrary to Local Plan Policies OS4, EH9, EH15 and EH16, and the provisions of the NPPF.*
4. *The site has a strong possibility of containing remains of archaeological importance and the application is not supported by an archaeological evaluation. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed development would affect this significance. As such, the proposed development conflicts with Local Plan Policies EH9, EH15, EH16 and OS4; and the relevant paragraphs of the NPPF.*

5.8 The description of development for the current application reads 'Conversion of existing agricultural open cart shed by way of complete reconstruction to form a private residential dwelling house. Demolition of existing rearing pen and change of use of the site from agricultural to residential use. Modification of existing entrance'. However, officers queried whether the scheme is indeed a conversion with the agent. The agent confirmed that 'The original floor is earth. The three external enclosing walls comprise short brick stub walls without foundations with timber frames and boarded cladding all in a considerable share of decay and require complete replacement. The timber

frame roof with trusses is metal sheet clad and in poor state and again requires complete replacement. Accordingly it is safe to say the new proposal will replace all elements of the original structure as shown and described within our drawings'. As such, the proposal is not a conversion, it is a new build dwelling.

5.9 The application is before Members of the Lowlands Area Planning Sub Committee as the views of Standlake Parish Council are contrary to the officer recommendation.

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

- Principle of Development;
- Siting, Design, Form and Impact to the Setting of the Listed Building;
- Impact to the Scheduled Monument;
- Highways;
- Biodiversity and Trees;
- Residential Amenities;
- Other Matters; and
- Conclusion

Principle of Development

Development Plan

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

5.12 Standlake 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 The Inspector agreed with the LPA that the application site is considered to be undeveloped land adjoining the built-up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages.....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'.

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 dependant.

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).

Standard Method

5.17 The NPPF is clear that once a Local Plan is more than 5 years old, unless strategic housing policies have been reviewed and found not to require updating, the 5YHLS position should instead be calculated on the basis of the Government's standard method. The result of this is that from 27 September 2023 onwards (the date at which the Local Plan becomes more than 5 years old) the Council will calculate its housing land supply position on the basis of the standard method rather than the stepped housing trajectory of the Local Plan. An updated position statement will be published in October on this basis. However, this application is due to be heard by Members of the Lowlands Area Planning Sub-Committee on October 9th and the updated position statement is unlikely to be published prior this.

5.18 In light of the above, officers must take the last formal position of the LPA to assess this planning application. 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 11d) 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 Impact to the Setting of the Listed Building

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

- 5.21 Local Plan Policy EH9 (Historic environment) and EH11 (Listed Buildings) are applicable to the scheme.
- 5.22 Section 16 (particularly paragraphs 197, 199, 200 and 202) of the National Planning Policy Framework (NPPF) 'conserving and enhancing the historic environment' are also applicable.
- 5.23 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.
- 5.24 Policy OS4 requires new development to respect and where possible enhance the character and quality of the surroundings and contribute to local distinctiveness.
- 5.25 It is important to note that the scheme as submitted is similar to the scheme previously before the Inspector. In their appeal decision, the Inspector completed a full and detailed assessment of the impacts of the scheme on the setting of the listed building and the wider area. The Inspector found that the development would harm the setting of the listed building and that harm (identified as less than substantial) would not be outweighed by the public benefits.
- 5.26 As noted in the 'background' assessment above, the description of development (written by the agent/applicant) describes the development as a 'conversion'. However, it has been confirmed that this is not the case. The proposal is in fact a new build dwelling erected on broadly the same footprint and is of a similar scale, to an open cart shed that is currently on the site. In that regard, while reduced in size, it is also similar to the most recently refused scheme for one dwelling (22/01667/FUL) that is currently with the Planning Inspectorate.
- 5.27 In order to assess the impact of a development on the significance of a designated heritage asset, there is first a need to identify that significance. The Inspector explained that 'The site formed part of a farmyard once associated with the adjacent Magdalen Farmhouse, a Grade II listed building. As denoted in the list description, the stone farmhouse dates from the 17th Century. Its significance derives mainly from its building fabric and attractive aesthetic appearance. However, its historical relationship with agriculture and its surroundings also forms a notable component of its significance. In this respect, the agricultural use of the appeal site and its configuration relative to the farmhouse provides a discernible connection with the past. Hence, the appeal site forms part of the setting for the farmhouse and positively contributes to an ability to appreciate its significance'.
- 5.28 Officers are not aware of any changes to the development site or listed building between since January 2022 (when the previous application was appealed) and now that would warrant challenging the assessment made by the Inspector or the previously refused scheme, as such, the LPA is satisfied that the development site does form part of the setting of the Grade II listed Magdalen Farmhouse for the reasons outlined.
- 5.29 The previous scheme was for two dwellings and the site was approximately 0.21 hectares. The recently refused scheme was for one dwelling and the site was 0.17 hectares. The current scheme is for one dwelling and is 0.16 hectares.

- 5.30 The pattern of residential development in the immediate area is predominantly detached and one plot deep, with paddocks or agricultural land beyond. The proximity to countryside combined with the prevalence of trees and hedgerows gives the village a rural character and appearance. While the development is reduced in scale compared to the previous schemes, the dwelling as proposed would be to the rear of the built form along the southern side of Abingdon Road and this would deviate from the established pattern of residential development.
- 5.31 While the new dwelling would be erected in place of an existing open cart shed, that building is clearly agricultural in nature, is of a type and scale that is commonplace in areas such as this and has settled into the landscape. By contrast, the new build dwelling, while it takes cues from the agricultural building it would replace, it is a dwelling and would read as such. Thus, it would form an alien and incongruous feature in the landscape. As such, the proposed dwelling would not form a logical complement to the existing scale and pattern of development and would adversely affect the rural character and appearance of the locality, contrary to Local Plan Policies OS2 and H2.
- 5.32 In addition, the proposed scheme would introduce a new dwelling, hard and soft landscaping and domestic paraphernalia into this agricultural area. As explained by the Inspector, the site forms part of the setting for the farmhouse and positively contributes to an ability to appreciate its significance. The domestication of the site would erode this identified setting, causing harm to the significance of the listed building. Officers note that the scheme is reduced in size and is of a scale commensurate with the existing open cart shed. Officers also note that the Inspector found that the landscaping scheme, careful use of materials and overall scale of the development would mitigate the impact on the listed building. However, as explained, the current scheme is similar to the previous schemes; thus, officers can apply those findings, insofar as they relate to the current scheme too.
- 5.33 The scheme is reduced in plot size and the dwelling is broadly the same scale as the open cart shed it would replace. Be that as it may, officers cannot say that there is no harm to the setting of the listed building by virtue of the proposed scheme. Particularly as the Inspector noted that the residential use would be harmful and not just the built form itself. Considering the changes proposed, officers find that the harm to the setting of listed building still falls within the 'less than substantial' range, albeit lower on the scale than the less than substantial harm found by the Inspector as one dwelling is now proposed instead of two. However, to be clear, the harm caused to the setting of the listed building of the current scheme is almost identical to that of the most recently refused scheme that is currently with PINs for a decision.
- 5.34 Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposed development would result in a modest economic benefit through the construction phase, however this would be limited to the scale of the construction. A public benefit would also result from the addition of one dwelling to West Oxfordshire District Council's housing stock. However, this is limited to one dwelling, as such, this attracts limited weight. No other public benefits were identified by the Inspector or in the most recently refused scheme and officers are satisfied that no further public benefits exist other than those identified.
- 5.35 It is important to note that the public benefits for either of the previous schemes in 2020 and 2022 did not outweigh the harm to the listed building and those schemes proposed two dwellings one dwelling respectively. The harm from the current scheme is identified as being less than the previous (but still within the less than substantial range). However, the benefits are also less as only one dwelling is proposed. Accordingly, when weighing these public benefits against the 'great

weight' afforded to the conservation of the listed building, the limited public benefits found would not outweigh the harm identified.

- 5.36 The development site forms part of the setting for the Grade II listed Magdalen Farmhouse and contributes positively to an ability to appreciate its significance. The subdivision of the former farmyard, the introduction of a residential dwelling and the domestication of the site would erode the historic relationship of the former farmyard with the farmhouse, causing harm to its setting. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found. In addition, by reason of the scale and siting, the development would not form a logical complement to the existing scale and pattern of development and would adversely affect the rural character and appearance of the locality. As such, the proposed development is contrary to Local Plan Policies H2, OS2, OS4, EH9 and EH11, the provisions of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact to the Scheduled Monument

- 5.37 The development site is located approximately 60m north east of a Scheduled Monument (SM), a prehistoric cropmark complex (SM 140 - 1006342). Owing to this proximity, the development site lies within an area of significant archaeological potential and the proposed development can affect the setting of the SM.
- 5.38 Officers note that the impact to the scheduled monument was not raised within the previous scheme for two dwellings or appeal. However, it was assessed during the recently refused scheme for one dwelling (22/01667/FUL).
- 5.39 Local Plan Policies EH9 (Historic environment), EH15 (Scheduled monuments and other nationally important archaeological remains), EH16 (Non-designated heritage assets) and OS4 (High quality design) all seek to conserve archaeology and protect heritage assets. Officers therefore must have regard to any archaeological interest and heritage assets that may be impacted by the proposed development.
- 5.40 The County Council Archaeologist submitted a detailed comment to the LPA and identified the site as a 'nationally important cropmark area' which contains an 'extremely dense concentration of rectangular enclosures, ring ditches and tracks and is one of the most significant cropmark complexes in the county. The cropmark complex appears to represent dense occupation and activity from the prehistoric period, in particular the Bronze Age and probably Iron Age'.
- 5.41 Elaborating to say 'It is clear from aerial photographic evidence that a similar density of cropmarks continues outside of the scheduled area to both the north and the south. The remains of an Iron Age ring ditch and associated pits, post holes and ditches were recorded 40m west of the site of this proposed new dwelling during an archaeological excavation in 2006 ahead of the construction of a wildlife pond. Further substantial later prehistoric settlement remains have been recorded from cropmarks to the north of Standlake itself, 187m north of the application area. It is therefore very likely that this proposed development will encounter further archaeological remains associated with the scheduled site immediately to the south of this proposal. The site has seen little disturbance and although it is of a relatively small scale any archaeological remains could therefore be fairly well preserved. Any later prehistoric archaeological remains could therefore be considered to be of a demonstrably equivalent significance to the scheduled which would require them to be considered in line with the policies for designated sites as set out in the NPPF 2021'.

- 5.42 The heritage significance of the monument is explained above and provides a strong indication of the historical occupation of the SM. Officers consider that the monument's rural setting makes a positive contribution to its significance as a heritage asset. The existing group of farm buildings does not disrupt this setting but reinforces it. It is also notable that archaeological remains were located when constructing the wildlife pond just 40m away. Indeed, the SM appears to have an intimate relationship with the development site as interconnected agricultural land (historic OS maps from 1899 - 1905 show an access from the former farmyard into the SM).
- 5.43 The NPPF is clear that the effect of proposed development on 'heritage assets' including scheduled monuments is material to the consideration of planning applications. The setting of the SM is, in part, its rural character. The introduction of a residential dwelling in close proximity to the SM and the resultant domestication of the site would erode the historic rural setting of the SM, causing harm to its significance. This harm is identified as being less than substantial and Paragraph 202 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposed development would result in a limited economic benefit through the construction phase, however this would be limited to the scale of the construction. A public benefit would also result from the addition of one dwelling to West Oxfordshire District Council's housing stock. However, this is limited to one dwelling, as such, this attracts limited weight. Officers are satisfied that no further public benefits exist. When weighing these public benefits against the 'great weight' afforded to the conservation of the heritage asset, the limited public benefits found would not outweigh the harm identified.
- 5.44 In addition to the impact to the setting of the SM, the County Council Archaeologist requires that prior to the determination of the application, the applicant should undertake an archaeological field evaluation (trenching). Without this evaluation, it cannot be demonstrated that the proposed development would preserve heritage assets of potential archaeological importance. The Archaeologist notes that 'In accordance with the National Planning Policy Framework (NPPF 2021, paragraph 194), we would therefore recommend that, prior to the determination of any planning application for this site the applicant should therefore be responsible for the implementation of an archaeological field evaluation'.
- 5.45 It may be the case therefore that the archaeology of the site, depending on its age, could be afforded equal weight as a designated heritage asset. Policy EH9 is clear in that 'all applications which affect, or have the potential to affect, heritage assets will be expected to.....use appropriate expertise to describe the significance of the assets, their setting and historic landscape context of the application site, at a level of detail proportionate to the historic significance of the asset or area, using recognised methodologies and, if necessary, original survey. This shall be sufficient to understand the potential impact of the proposal on the asset's historic, architectural and archaeological features, significance and character'. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed scheme would affect this significance. It is not acceptable to secure these investigations via pre-commencement conditions.
- 5.46 Officers are mindful that this information could be provided by the applicant prior to determination. However, as there is conflict with other policies in the Local Plan and even if archaeology were addressed, the scheme would still be recommended for refusal. Thus, officers consider that requiring the applicant to undertake this exercise and the associated costs involved,

only to refuse the scheme for other reasons would not be reasonable. Should this refusal be appealed, archaeology and the impact to the SM could be addressed during that process.

- 5.47 The proposed development will harm the setting of the SM and the impact to archaeology is unknown. Therefore, the proposal conflicts with the requirements of Policies OS4, EH9, EH15 and EH16 of the Local Plan; and the NPPF.

Highways

- 5.48 Highways issues were not raised for either of the previous schemes. Nonetheless, the dwelling would utilise an existing access that serves the agricultural buildings and a turning area is proposed within the site along with driveway parking. This access is considered to be safe and suitable for all users and sufficient parking spaces are proposed. Furthermore, OCC Highways have not objected to the scheme. The proposal therefore accords with Local Plan Policies T1, T2, T3 and T4; as well as Section 9 of the NPPF (in particular paragraphs 110, 111 and 112).

Biodiversity and Trees

- 5.49 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'.
- 5.50 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.
- 5.51 Biodiversity issues were not raised as a refusal reason for the previous scheme at the site. However, the previous officer noted that 'insufficient information has been provided to demonstrate that the development poses no risk to Great Crested Newts and insufficient measures have been set out to safeguard against potential risks. However, officers consider that these issues could be overcome and are not part of the refusal reason'.
- 5.52 The applicant has joined the District Licencing Scheme for newts and the Newt Officer has confirmed that subject to conditions and informatives, the proposal will have an acceptable impact to newts.
- 5.53 Tree protection could be secured and any tree loss mitigated with the application of suitable conditions and biodiversity net gain could be achieved on site.
- 5.54 As there will be little to no loss of biodiversity, mitigation is not required. However, Local Plan Policy EH3 and Paragraph 174 of the Framework, both seek a net gain in biodiversity without identifying a specific percentage. The Environment Act 2021 has now passed, and secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law. While that is the case, conditions could be imposed securing a landscape scheme, bat and bird boxes and a Construction Environmental Management Plan - Biodiversity (CEMP-B). As such, officers consider that conditions will secure biodiversity net gain, albeit nominal. The proposal therefore accords with Policy EH3 and the NPPF in that regard.

Residential Amenities

5.55 Residential amenity issues were not raised for the previous schemes at the site. Nonetheless, the new dwelling is a suitable distance from neighbouring dwellings to not result in any overbearing, loss of light or overshadowing impacts. In addition, no new windows are proposed that would breach the industry standard 22m separation distance between facing windows and no non-obscure glazed first floor side elevation windows are proposed. As such, loss of privacy and overlooking impacts are unlikely.

5.56 Also, officers do not have any concerns with regard to noise, pollution (including light), odours or vibration. In addition, sufficient private external amenity space is proposed for the new dwelling.

Other matters

5.57 The Council's Environmental Regulatory Services Team were consulted. They raised no objection subject to conditions.

5.58 The Council's Drainage team have raised no objection subject to a surface water drainage condition being applied.

Conclusion

5.59 The impact to the setting of the Grade II listed Magdalen Farmhouse was assessed previously by the Inspector for two dwellings. That Inspector explains in paragraph 14 of their decision that 'the degree of harm caused to the setting of the listed building would be less than substantial, paragraph 199 of the Framework indicates that great weight should be given to protecting the significance of designated heritage assets. Therefore, the limited public benefits arising from the provision of the additional houses proposed would be insufficient to outweigh the great weight given to the harm'.

5.60 Taking a logical approach, if two dwellings caused harm to the setting of the Grade II listed Magdalen Farmhouse, and when completing the balance required by paragraph 202 of the NPPF (formerly paragraph 199) the benefits of two dwellings did not outweigh the harm found. It is entirely logical to infer that the resultant harm associated with the currently proposed one dwelling to the setting of the listed building would be reduced in line with the reduction in housing numbers, but one must also reduce the benefits associated with the reduced housing numbers. Thus, the status quo has not changed, and the limited public benefits must not outweigh the harm found.

5.61 Taking into account the planning history therefore, it is well established case law that previous planning decisions are capable of being material considerations. This is set out in *Mann LJ in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137*: explaining 'One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system'.

5.62 *R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050* also grapples with the importance of consistency in decision making. In quashing the decision, Singh J confirmed (at paragraph 107) that 'Although the authorities demonstrate that a local planning

authority is not bound by its earlier decision, nevertheless it is required to have regard to the importance of consistency in decision-making'.

5.63 A further case, *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057, planning permission granted by the secretary of state for a housing development was quashed after he had failed to take into account a decision taken by his own department 10 weeks earlier. Howell QC stated (at paragraph 100) that 'There is a public interest in securing reasonably consistency in the exercise of administrative discretions that may mean that it is unreasonable for a decision-maker not to take into account other decisions that may bear in some respect on the decision to be made. There is no exhaustive list of the matters in respect of which a previous decision may be relevant. That must inevitably depend on the circumstances.'

5.64 It is vital that LPA's issue consistent decisions as is set out in the case law above. The main issue throughout the planning history is that the introduction of dwellings in this location causes harm to the setting of the Grade II listed Magdalen Farmhouse, and the public benefits do not outweigh the less than substantial harm found. This was found for the two-dwelling application in 2020 and subsequently dismissed appeal (in 2022), was found for the most recent one dwelling application in 2022, and the LPA is maintaining that stance during the appeal (ongoing).

5.65 There are insufficient changes to the current application when compared to the planning history of the site and as such, officers are of the same opinion that the proposed dwelling causes harm to the setting of the Grade II listed Magdalen Farmhouse, and the public benefits do not outweigh the less than substantial harm found.

5.66 Paragraph 11 of the NPPF is engaged. This 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.

5.67 When paragraph 11 of the NPPF is engaged, as is the case for this assessment. Paragraph 11 d) i. of the NPPF allows an LPA to refuse a planning application if 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. Footnote 7 attached to paragraph 11 d) i. explains that 'The policies referred to are those in this Framework (rather than those in development plans) relating to.....designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68)'.

5.68 This application may affect heritage assets of archaeological interest, thus footnote 68 applies. Footnote 68 of the NPPF states 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. As explained, it is not known whether the development site contains heritage assets of archaeological interest and as such, it is not known if the potential archaeological interest would be demonstrably of equivalent significance to scheduled monuments such that they would provide a clear reason for refusing the development proposed.

- 5.69 A Scheduled Monument is a designated heritage asset which, by definition, is of national importance. Even though the Ancient Monuments and Archaeological Areas Act 1979 does not impose a statutory duty equivalent to sections 66(1) or 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the national importance of scheduled monuments is a relevant consideration.
- 5.70 The development site forms part of the setting for the Grade II listed Magdalen Farmhouse and contributes positively to an ability to appreciate its significance. The subdivision of the former farmyard, the introduction of a residential dwelling and the domestication of the site would erode the historic relationship of the former farmyard with the farmhouse, causing harm to its setting. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found.
- 5.71 To conclude, there are policies in the NPPF that provide a clear reason for refusal and as such, the application is recommended for refusal for the reasons set out.

6 REASONS FOR REFUSAL

1. The development site forms part of the setting for the Grade II listed Magdalen Farmhouse and contributes positively to an ability to appreciate its significance. The subdivision of the former farmyard, the introduction of a residential dwelling and the domestication of the site would erode the historic relationship of the former farmyard with the farmhouse, causing harm to its setting. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found. The proposed development is contrary to Local Plan Policies OS2, OS4, EH9 and EH11, the provisions of the NPPF (particularly section 16) and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
2. The site has a strong possibility of containing remains of archaeological importance and the application is not supported by an archaeological evaluation. As the required surveys have not been undertaken, officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the proposed development would affect this significance. As such, the proposed development conflicts with Local Plan Policies EH9, EH15, EH16 and OS4; and the relevant paragraphs of the NPPF (particularly section 16).
3. The introduction of a residential dwelling in close proximity to the Scheduled Monument and the resultant domestication of the site would erode the historic rural setting of the Scheduled Monument, causing harm to its significance. This harm is less than substantial and insufficient public benefits are identified to outweigh the less than substantial harm found. The proposed development is contrary to Local Plan Policies OS4, EH9, EH15 and EH16, and the provisions of the NPPF (particularly section 16).

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