

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 8th January 2024

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

To determine the applications in accordance with the recommendations of the 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.

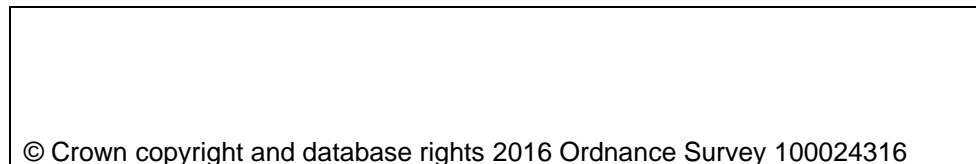
Please note that:

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

Item	Application Number	Address	Officer
11-35	23/00539/FUL	The Crawley Inn Foxburrow Lane	Clare Anscombe
36-40	23/02476/FUL	59 Barrington Close Witney	Elloise Street
41-52	23/02558/S73	Clover Court Bushey Drive	Rebekah Orriss
53-71	23/02731/FUL	The Coffee Shed The Leys	Elloise Street
72-91	23/02849/FUL	Land South West Of Chapel Lane	Esther Hill

Application Number	23/00539/FUL
Site Address	The Crawley Inn Foxburrow Lane Crawley Witney Oxfordshire OX29 9TS
Date	20th December 2023
Officer	Clare Anscombe
Officer Recommendations	Approve subject to Legal Agreement
Parish	Crawley Parish Council
Grid Reference	434322 E 212094 N
Committee Date	8th January 2024

Location Map



Application Details:

Erection of 5 no. dwellings on the former car park together with the conversion of public house to provide 3 no. dwellings with associated parking, landscaping and works (amended plans).

Applicant Details:

Mr G Athwal
2nd floor
Micawber Wharf
17 Micawber Street
London
NI 7TB

I CONSULTATIONS

Newt Officer

No Comment Received.

WODC Landscape And
Forestry Officer

The development will not result in the loss or deterioration of any ancient or veteran trees or have an adverse impact on the AONB.

Please discuss in relation to technical issues relating to tree retention and landscape aspects.

Env Health - Lowlands

Noise and Amenities:

I have no objection in principle subject to conditions.

Thames Water

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions.

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

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

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

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

OCC Highways

Foxburrow Lane is narrow, lacks adequate footways and street lighting, however, I cannot demonstrate that the proposal, if permitted, would result in an unacceptable significant intensification of traffic (above that associated with the public house use) that would warrant the refusal of the application for reasons of highway safety and convenience.

Parking as shown is adequate and whilst entails crossing the road for the southern part of the development the numbers involved will be no greater than those accessing the public house operating at full potential.

Visitor car parking is located at the end of the access road is not ideal however the number complies with OCC Parking Standards. Access visibility is acceptable given the comparison with existing use together with the traffic flows and speeds.

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

Recommendation:

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

Adjacent Parish Council

Hailey Parish Council

No objection, but would like to note they are concerned about the design for traffic access to the carpark site and also the density of the buildings in the car park.

WODC Business Development

I have reviewed the pub viability report supplied with the application and I agree with its conclusion that given its current condition, the Crawley Inn has no credible economically viable future as a public house and is incapable of being made viable or adapted to retain a viable service or facility. It is therefore my view that the application meets the requirements of Policy E5 of the local plan.

District Ecologist

Comments dated 29.08.2023

Acceptable subject to conditions.

Parish Council

Crawley Parish Council neither support or object to the application and have confirmed in an email dated 12th October 2023 that they have a neutral view. The Parish Council's comments are as follows:

Crawley Parish Council are unable to support the application for the following reasons:

- Scale of the development:

The development as proposed represents an unacceptable increase of approximately 12% in the number of dwellings in the parish, and as such is disproportionate for this size of village.

Crawley falls within the "small villages, hamlets and open countryside" category (Category A) where new dwellings should only be permitted where they comply with the principles set out in accordance with policies OS2 and H2.

- Flooding:

Crawley Village has historically been affected by flooding, notably in 2007. During heavy rain, water runs down Foxburrow Lane and into the proposed development site. Should there be another flood there is concern the houses in the rest of the village would be at greater risk due to the proposed development.

- Sewage

Local residents believe that the position of the sewage rising main is routed from the village across the development site to the Pumping Station at Priest Hill Lane and not along Foxburrow Lane as detailed in the Thames Water plans included with the application.

Foxburrow Lane already suffers with severe sewage issues in that the pipes take in significant amounts of ground water during wet periods. It was noted that the response from Thames Water incorrectly referenced a different property on Foxburrow Lane.

- Parking

The proposed parking is inadequate and unsafe. It will lead to unsafe parking along the verges of Foxburrow Lane with potential hazards to pedestrians.

- Traffic

Traffic along Foxburrow Lane is already heavy and the proposed development is situated at a pinch point in what is a poorly maintained single track lane.

The width of the road is insufficient for two reasonably sized vehicles to pass causing congestion. It is also hazardous to pedestrians as there is no foot path.

- Specification of houses

The proposed design of the dwellings is not in keeping with the village, particularly the large single dwelling which is very modern in its design.

- Statement of community involvement

This was based on a leaflet with no mention that it formed part of a consultation process for the development.

Points raised in favour of the development are as follows:

- Scale of the development

There is pressure on WODC to provide additional housing. By accepting this proposal for 8 more dwellings in a village of around 70 dwellings, Crawley may have delivered its share in the provision of this housing need.

- Flooding

The application includes measures for water attenuation from the development before discharge into Showell Brook. There may be an opportunity to reinstate a ditch that would divert waterflow that would otherwise run down the road into the village centre. This could be a positive contribution to flood management.

- Sewage

This was agreed to not be a reason to withhold approval of the application.

- Parking

The proposed parking satisfies the planning requirements for off-road parking.

- Traffic

Any increase in the number of vehicle movements from 8 houses will be small relative to the normal traffic movements on Foxburrow Lane of 500-600 vehicles per day.

- Specification of houses

The proposed development would match the style of the Cotswold stone cottages in the village, be of high specification, energy efficient and contribute positively to the village appearance.

In view of the significant majority of those present at the meeting objecting to the proposed development, the Parish Council are unable to support this planning application.

In the event that WODC does recommend approval of the

application, then the Parish Council would like the following issues to be taken into consideration on any final decisions:

- the current proposal constitutes over-development of the site;
- have the flooding issues been sufficiently addressed;
- concerns over parking in the village;
- existing traffic problems on Foxburrow Lane between the Crawley Inn and the centre of the village;
- lack of a footpath on Foxburrow Lane from the Crawley Inn to the centre of the village, and
- requirement of a thorough clearing of Showell Brook channel from the Crawley Inn to the Windrush river

WODC Drainage

Comments dated 29.09.2023

Recommendation:

No objection subject to conditions.

Summary reason for recommendation:

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

2 REPRESENTATIONS

2.1 The following comments have been received from interested parties objecting to the application:-

- Inadequate parking arrangements
- Inadequate existing infrastructure, including drainage and capacity in the sewage network
- Increased flood risk and significant detrimental impact on drainage
- The dwellings are located in flood zone 2
- Highway safety implications
- Not acceptable in principle due to its location within Crawley. Contrary to policy H2 and E5 of the Local Plan
- Not in keeping with the character and appearance of the village
- Inadequate public engagement
- Unsustainable form of development with limited access to public transport
- The proposal will have a detrimental impact on the amenity of neighbouring residents
- The scale of the development is inappropriate
- Removal of trees
- Harm to ecology and biodiversity
- Inappropriate density
- There is no evidence to show that the pub should not continue to trade as a public house
- The pub should be retained as a facility to support the local economy
- The site is an important buffer for flood detention storage

2.2 The following comments have been received from interested parties in support of the application:-

- The conversion of the Crawley Inn is supportable
- Biodiversity improvements
- Enhancement of the area
- The proposal is proportionate to the size of the site, in keeping with the character and appearance of the rest of the village

3 APPLICANT'S CASE

3.1 The applicant has submitted a supporting Planning Statement which, in summary, makes the following points:

- Whilst in more recent years the pub site had become a magnet for anti-social behaviour and unlawful occupation by a number of caravans and motorhomes, it was eventually forced to close after a devastating fire which caused extensive structural damage and has extinguished any prospect of the pub reopening as a viable proposition.
- The pub buildings form part of a tight cluster of development at the eastern end of the village which historically incorporated built development on the car park site as well and, following acquisition of the property by the applicant, are proposed for conversion to 3 no. cottage style homes. Four semi-detached units are then proposed for the car park site, together with a larger detached family home.
- The social, economic and environmental benefits arising from the development of a high-quality residential scheme in place of the semi-derelict fire damaged pub and the extinguishment of unlawful and anti-social activities within the former car park site are clear. And, coupled with the contribution of 8 no. residential units to the housing land supply shortfall, together with the fact that no adverse impacts have been identified that would significantly or demonstrably outweigh the benefits, it is equally clear that planning permission for the proposed development should be granted.

4 PLANNING POLICIES

H4NEW Type and mix of new homes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
WIT6NE Witney sub-area strategy
NPPF 2023
DESGUI West Oxfordshire Design Guide
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

E3NEW Reuse of non residential buildings

E5NEW Local services and community facilities

T1NEW Sustainable transport

T2NEW Highway improvement schemes

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

5 PLANNING ASSESSMENT

- 5.1 The application site covers two areas of land which lie either side of Foxburrow Lane on the eastern edge of the village of Crawley. It consists of land to the north of Foxburrow Lane including an area of existing grassland, scrub and tall ruderal habitats and some hardstanding adjacent to Foxburrow Lane. The Showells Brook, a tributary of the river Windrush, runs south-westwards within and alongside the north-western site boundary.
- 5.2 The other part of the application site consists of land to the south of Foxburrow Lane including a derelict public house known as 'The Crawley Inn' and land associated with this use. 'New Inn Cottage' adjoins the eastern boundary of the public house.
- 5.3 The western end of the part of the application site which lies to the north of Foxburrow Lane lies within flood zone 3. The rest of the site lies within flood zone 1. The site also lies in the Wychwood Project Area and Conservation Target Area. Priest Hill Lane Banks Local Wildlife Site, a non-statutory designated site, lies within 1km of the site. There are six other Local Wildlife Sites within 1km of the site.
- 5.4 The proposed development is for 'Erection of 5 no. dwellings on the former car park together with the conversion of public house to provide 3 no. dwellings with associated parking, landscaping and works (amended plans).' Two pairs of semi-detached dwellings are proposed on the northern site fronting onto Foxburrow Lane and a two-storey detached property to the rear.
- 5.5 The application has been referred to the Lowlands Planning Sub-Committee as the intended decision is a material departure from the Development Plan.

Planning History

- 5.6 The part of the application site which lies to the north of Foxburrow Lane has been used for the parking of cars and the siting of mobile homes for a number of years, but does it not benefit from any planning permission for this use.
- 5.7 The site has a history of unlawful activity and has been the subject of previous enforcement investigations including the serving of an enforcement notice in 1980 (reference E22/80).
- 5.8 20/03351/PREAPP - an application for pre-application advice was made on 17th March 2021 for the change of use of the existing pub into four apartments and a new dwelling in the car park. At the time, Officers considered that an important consideration would be whether the proposed development would result in an increased risk of flooding.
- 5.9 A further submission was then made in September 2021 for the conversion of the pub building and the development of 5 no. dwellings on the car park site. It was advised by Officers that the proposal would be supportable in principle if the benefits of the scheme would outweigh the

harms. In particular, Officers advised that the design of the proposed development should be amended to ensure that the proposed site access would enable a passable place for cars using Foxburrow Lane, provide sufficient amenity space for units created through the conversion of the pub and carefully consider the roofline of the cottages fronting onto Foxburrow Lane to create a design feature that positively contributes to the street scene.

Principle of Development

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

- Principle/ Compliance with the Development Plan;
- Impact on flood risk and drainage;
- Loss of the community facility;
- Design, Siting and Scale;
- Impact on residential amenity;
- Impact on highway safety and parking;
- Impact on ecology and biodiversity;
- Landscape Impact and Trees;
- S106 Matters;
- The Overall Benefits of the development.

Principle/ Compliance with The Development Plan

5.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) 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 The Local Plan identifies Crawley as falling within the 'Small Villages, Hamlets and Open Countryside' category of the Settlement Hierarchy. Policy H2 states that new dwellings in the 'small villages, hamlets and open countryside' will only be permitted in certain restricted circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

5.13 In terms of the general principles set out in Policy OS2, these require, amongst other things, 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;
- Avoid the coalescence and loss of identity of separate settlements;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- 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;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.14 Officers' assessment against these particular General Principles will be discussed in detail below.

5.15 The Witney sub-area strategy policy WIT6 states that the focus of new housing will be Witney and in the rest of the sub-area, this will be limited to meeting local community needs and steered towards the larger villages.

National Policy/Guidance

5.16 The Government's National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. This should include a buffer of at least 5% to ensure choice and competition in the market for land.

5.17 Policies H1 and H2 of the West Oxfordshire Local Plan identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031.

5.18 Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the West Oxfordshire Local Plan 2031 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method.

5.19 For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Taking into account past shortfall in housing delivery and 5% buffer, the

5-year requirement for 2023-2028 is 3,060 homes. Set against this figure, the Council is currently able to demonstrate a 5.4-year supply.

5.20 In terms of the other relevant housing and locational policies in the Local Plan, Policies OS2 and the second strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date and Policy WIT6 remains broadly consistent with national policy.

5.21 In terms of the requirements of policy H2, the conversion of the pub would make re-use of an existing building which would lead to an enhancement of its immediate setting, and the submitted Economic Viability Report sets out that the building is not capable of re-use as a public house or other community amenity. However, given the Council's latest Housing Land Supply Position Statement which demonstrates that the Council has a 5.4-year supply, it is unclear how the new dwellings will comply with policy H2. Therefore, the proposed development conflicts in part with policy H2.

Impact on flood risk and drainage

5.22 Paragraph 159 of the NPPF requires 'inappropriate development in areas at risk of flooding... ' to 'be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

5.23 Paragraph 161 requires 'all plans to apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. It requires Local Planning Authorities to do this, and manage any residual risk, by:

- applying the sequential test and then, if necessary, the exception test as set out below;
- safeguarding land from development that is required, or likely to be required, for current or future flood management;
- using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

5.24 Planning Guidance 'Flood risk assessment: the sequential test for applicants' sets out that a sequential test is required for a development in flood zone 3. It is also required for development in flood zone 1 where there are flooding issues in the area of the development.

5.25 According to the Environment Agency's 'Flood Map for Planning,' Appendix A of the submitted Flood Risk & Drainage Strategy Technical Note (dated July 2023) and latest comments from the Council's drainage officer, the western end of the site north of Foxburrow Lane lies within flood zone 3 and the site to the south is within flood zone 1. Roads and gardens are located in flood zone 3. No dwellings are proposed within flood zone 2 or 3.

- 5.26 The Environment Agency has confirmed that the site does not fall within a Critical Drainage Area, which is an area with critical drainage problems which has been formally notified to the Local Authority by the Environment Agency.
- 5.27 Therefore, it is considered that the sequential test needs to be applied for the parts of the development falling within flood zone 3, notably the car parking and garden areas.
- 5.28 Annex 3 of the NPPF sets out which types of development are considered to be more vulnerable and less vulnerable. Dwellings are listed as 'more vulnerable,' car parks 'less vulnerable' and 'amenity open space' as water-compatible development.
- 5.29 In terms of the sequential test, the submitted FRA sets out that the dwellings are located outside flood zone 2 and 3, with the water-compatible and less vulnerable development located within flood zone 3. Therefore, Officers are satisfied that development has been directed away from areas at highest risk of flooding.
- 5.30 Officers note the interested party comments received relating to flooding and the images supplied by interested parties. However, these relate to an exceptional flood event in 2007. Officers also understand from the Drainage Officer and submitted Flood Risk Assessment (FRA) (dated February 2023) that this was attributed to the Showells Brook overtopping its bank due to significant debris/silt accumulation which caused damming of it, the presence of small bridges across the brook which reduced the capacity of the channel and increased the risk of blockage, and the volume of water passing through the culvert beneath Foxburrow Lane upstream on Showells Brook.
- 5.31 Officers understand that parts of the site can be subject to localised flooding. The site north of Foxburrow Lane lies within a surface water flow path and is susceptible to 1 in 1000 year, 1 in 100 year and 1 in 30-year pluvial flooding up to 900mm deep. However, the dwellings themselves are proposed in flood zone 1, the lowest risk of flooding, and officers are satisfied that while the site does flood in places occasionally, it would be possible to introduce measures to alleviate this by way of an engineering solution and this does not constitute a reason for refusal in this instance.
- 5.32 Paragraph 4.5 of the Flood Risk & Drainage Strategy Technical Note submitted with the application (dated July 2023) states that 'the site is not a key flood storage area for surface water runoff. There is no evidence that confirms this based upon the anecdotal and unverified information provided.' Based on this it is not considered that the site is required or likely to be required for future flood management.
- 5.33 As 'less vulnerable development' (car parking) is proposed in flood zone 2, the standing advice for vulnerable developments (in Planning Practice Guidance, PPG) must be followed. This includes advice for floor levels, extra flood resistance and resilience, access and escape and surface water management.
- 5.34 Section 5 of the submitted Flood Risk Assessment sets out measures to reduce flood risk at the site. This includes setting the finished floor levels at a minimum of 90.50m AOD. This consists of the highest ground level that flood zone 3 extends to (89.90m AOD) and the additional Environment Agency recommended 600mm freeboard above design flood levels which meets the minimum requirement set out in the 'Standing Advice for vulnerable developments' in the PPG.

5.35 The FRA also confirms that safe pedestrian access/egress is available onto Foxburrow Lane to access the wider road/street network and land outside the floodplain.

5.36 Therefore, based on advice contained within the PPG, NPPF and from flood risk experts, it is considered that the proposed development complies with paragraph 159 and 161 of the NPPF.

5.37 Paragraph 167 of the NPPF also requires local planning authorities to ensure that flood risk is not increased elsewhere. 'Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

5.38 The dwellings themselves (the most vulnerable development as defined in the NPPF) are proposed in the area of lowest flood risk. Finished floor levels are set at a minimum of 90.50m AOD and as long as ground levels are not raised, the Drainage Officer is satisfied that there should be no increased flood risk.

5.39 The Drainage Officer states that all surface water should be contained for all storm events up to and including 1 in 100 year + 40%, based on finished ground levels and directed away from neighbouring properties. To secure this, a condition is proposed requiring the submission and approval of an exceedance flow plan prior to the commencement of development which would indicate the route taken by any storm water.

5.40 Soakaways are proposed which is not a form of sustainable drainage, but the submission of the Full Surface Water Drainage Scheme would require the applicant to demonstrate why these cannot be incorporated within the scheme.

5.41 Paragraph 5.7 of the FRA states that safe pedestrian access and egress has been factored into the design and is available onto Foxburrow Lane.

5.42 Surface water attenuation and storage is proposed on the land to the north of Foxburrow Lane to mitigate impact on the current runoff regime through the increased runoff rate that would result due to the impermeable areas to be introduced. The pub conversion will not result in an increase in impermeable area, so it is intended to use the existing drainage arrangement. A condition can also be included to remove permitted development rights for outbuildings associated with the dwellings to ensure that flood risk is not increased as a result.

5.43 Therefore, subject to conditions, the proposed development is considered to meet the requirements of paragraph 167 of the NPPF.

5.44 Thames Water have been consulted regarding impact on the wastewater network and sewage treatment works infrastructure capacity and due to the small scale of the proposal, they have no objection.

The loss of the community facility

5.45 The proposal is for the change of use of the existing building from a public house to residential use. Section 8 of the NPPF (Promoting healthy and safe communities) details how planning decisions should provide facilities and services to meet community needs. This includes ensuring that established facilities and services are able to develop and modernise and are retained for the benefit of the community. Planning decisions should also guard against the unnecessary loss of valued facilities, particularly where they meet the community's ability to meet its day-to-day needs (Paragraph 93). This is reflected in policy E5 of the Local Plan. Paragraph 84 supports the retention of accessible local services and community facilities, such as public houses.

5.46 Policy E5 of the Local Plan supports the retention of community facilities and services. It states that the loss of services will only be supported where it can be clearly shown that appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot, will remain, and, that in the case of pubs, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. The policy also requires a robust marketing exercise to be submitted to demonstrate that the use is unviable.

5.47 There is another public house within Crawley, 'The Lamb Inn,' which lies circa 0.3km from the site. The pub is deemed to be of equivalent suitability and accessibility.

5.48 An Economic Viability Report has been submitted, prepared by a Chartered Surveyor, which confirms that that pub ceased trading in 2020. This was initially due to the Covid pandemic and following a significant fire in June 2020 which caused extensive damage to the building. It also confirms that neither the owners or occupiers benefitted from buildings insurance and so the building has not been able to be repaired and renovated since due to the scale and cost of required repair and refurbishment. Thus, it has remained vacant and unoccupied since June 2020.

5.49 The supporting Planning Statement states that a Fire Damage Report has been undertaken which highlights the extensive structural damage caused to the roof, ceilings and walls. The Planning Statement states that whilst the damage was concentrated within that part of the building which links the two projecting gables at each end of the building, a full replacement roof is required and a number of secondary problems are also identified, including those arising from water ingress resulting from the damage caused to the roof. Potential risks associated with the potential for dry rot and the presence of asbestos throughout the building are also highlighted.

5.50 Officers have reviewed the pub viability report supplied with the application and agree with its conclusion that given its current condition, the Crawley Inn has no credible economically viable future as a public house and is incapable of being made viable or adapted to retain a viable service or facility. Officers acknowledge that representations have been received from interested parties questioning why the pub cannot continue. However, based on the Viability Report submitted, Officers are satisfied that, even if a buyer did come forward to take on the building as a pub, due to the scale of the repairs required to bring the building back into use, it would not have a credible economically viable future as a public house. The Lamb Inn is a suitable alternative so Officers consider that the application meets the requirements of Policy E5 of the Local Plan.

Design, Siting and Scale

- 5.51 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. This includes the National Design Guide.
- 5.52 The site is located in a prominent location when entering and leaving Crawley. Foxburrow Lane slopes up from the centre of the village. The main roads that lead down into the village, such as Leafield Road, Foxburrow Lane and Witney Hill, are characterised by traditional cottage-style dwellings that are set close to the road and largely constructed of natural stone, either slate, stone or modern concrete roof tiles and with pitched roofs.
- 5.53 An existing stone boundary wall runs along both sides of Foxburrow Lane which is to be retained. The proposed pair of semi-detached dwellings that front onto Foxburrow Lane have been designed so that they would complement the existing topography. Due to the flood risk requirements for the finished floor level (FFD) of the buildings to be at 90.5m AOD, the heights of the dwellings when measured from the road would range from circa 7.97m to approximately 11.15m. The dwellings are set in from the roadside by circa 3.2m. The materials for the proposed dwellings include natural stone walls and stone tiles, stone lintels and cills. Chimneys and gables create interest in the roofscape.
- 5.54 Due to the varying heights of the pair of semi-detached dwellings, set-back from the road and their arrangement, scale and proposed materials, it is considered that they would reflect the sloping topography of Foxburrow Lane and the general form, character and style of other stone cottages within the village and would therefore form a logical complement to the existing character and appearance of the area, pattern of development in the village and street-scene.
- 5.55 Plot 5 is located to the rear of the pair of semi-detached dwellings within a larger plot. In terms of the location of plot 5, the plans have been amended to reduce its curtilage, demarcate this with a post-and-rail fence, and require the land to the rear to be used as a wildflower/biodiversity enhancement area to ensure that the built-extent of the dwelling would reflect that of the dwellings to the west and the more dispersed settlement pattern to the south of the site so as to not encroach into the open countryside. For these reasons, the positioning of plot 5 is considered to be acceptable.
- 5.56 In terms of the scale and form of plot 5, Officers have carefully considered this and given the scale of other dwellings to the south of Foxburrow Lane and its location set back within the site, its overall scale is not considered to be at odds with the character and appearance of the area.
- 5.57 In terms of the design of the pub conversion, as the form and scale of The Crawley Inn is to be retained and minimal external alterations are proposed, it is considered that the principle of the conversion of the pub is acceptable.
- 5.58 No detailed information has been provided regarding the proposed walling and roofing materials for the new dwellings, window and door details for the new dwellings and pub conversion, and proposed boundary treatments. These details would need to be secured by condition to ensure that the proposed development respects the character and appearance of the surrounding area.

5.59 In terms of amenity, the internal floorspaces of plots 3 and 4 do not meet the Government's nationally described space standards and so it is not considered that the proposed development provides sufficient indoor amenity space. However, the current Local Plan was adopted after the standards were published and the Council did not include a policy requirement to enact the standards and so there is no basis for requiring them.

5.60 Whilst the outdoor amenity space associated with plot 3 is not considered to be acceptable due to its location and arrangement next to the road, the amenity impacts associated with this, such as lack of privacy and overlooking, could be appropriately mitigated through the provision of appropriate landscape planting along the external boundaries of plot 3's outdoor amenity space through the imposition of a planning condition. Therefore, subject to conditions, the proposed development is considered to comply with policy OS2, OS4 and paragraph 134 of the NPPF.

Highway Safety and Parking

5.61 Paragraph 111 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking, the proposed development satisfies the requirements for the number of off-road parking. The Highways Officer has been consulted and considers that whilst the proposal entails crossing the road for the southern part of the development, the numbers involved will be no greater than those accessing the public house operating at full potential. Visitor car parking located at the end of the access road is not ideal however the number complies with OCC Parking Standards.

5.62 In terms of highway safety, Foxburrow Lane is narrow, lacks adequate footways and street lighting. However, the Highways Officer cannot demonstrate that the proposal, if permitted, would result in an unacceptable significant intensification of traffic (above that associated with the public house use) that would warrant the refusal of the application for reasons of highway safety and convenience. The Highways Officer considers that access visibility is acceptable given the comparison with the existing pub use together with the traffic flows and speeds. When assessing the impact of any proposed development the existing lawful use of the site is a material consideration. In this case the traffic generation resulting from the proposed development of 8 dwellings is considered against that generated by a public house and the effect of additional movements (if any) on the local road network.

5.63 Records show that for the 5yr period to December 2022 no reportable accidents occurred in the immediate vicinity of the site. 4 reportable accidents occurred during the same period in Crawley (1 at the Hailey end of Foxburrow Lane). The accident details demonstrate that the local highway network does not present safety issues and there is nothing to suggest that even a modest increase in traffic generation would give rise to a highway safety problem.

5.64 The proposal, if permitted, will eliminate the need for access by HGVs to the site along Foxburrow Lane.

5.65 The Highways Officer notes the details in the 2019 traffic survey (100 vehicles AM peak hour and 900 vehicles daily) attached to the representations of interested parties and accept the traffic flows will have increased since that time, however, daily and peak hour flows remain modest (even for the narrow Foxburrow Lane) as observed during the site visits of the Highways Officer.

5.66 Even if the proposal were to generate, say, a handful of additional movements above the public house use in the AM peak hour (equates to 1 additional vehicle every 12 minutes) the Highways Officer is unable to demonstrate that the inclusion into the Foxburrow Lane peak hour flow (equates to 1 vehicle every 30 seconds approx.) would cause such harm as to warrant refusal of the application for reasons of highway safety and convenience.

5.67 It is proposed to widen the existing access of the northern site to allow for the creation of a passing place along Foxburrow Lane as shown at Appendix C of the submitted Transport Statement. These works are to be secured via a Grampian condition as the land required for works falls outside the control of the applicant. The detailed design of the proposed access could be secured via appropriately worded planning conditions. Therefore, for the above reasons, the proposal is considered to be acceptable on highway safety and parking grounds, subject to conditions.

Impact on ecology and biodiversity

5.68 A Preliminary Ecological Appraisal (PEA) was carried out to inform the proposed development which confirmed that the site provides good quality bat foraging and commuting habitat with the site being adjacent to a stream and containing a mix of habitats including a number of trees, hedge, scrub and tall ruderal habitats which provide foraging and commuting opportunities for bats. Further, the survey confirmed that water voles may be present on the site and the site was also found to provide bird foraging and potential reptile habitat.

5.69 Bat, water vole and reptile surveys have been carried out which found that water voles and reptiles are absent from the site, but that the main building contains day-time bat roosts for Brown Long-eared, Common Pipistrelle and Lesser Horseshoe bats.

5.70 The removal of trees, sections of hedge and development within close proximity to a stream is proposed as are works to the pub roof.

5.71 The Biodiversity Officer has been consulted and considers that the potential harm to bats, nesting birds, badgers and dormice can be appropriately mitigated through the implementation of planning conditions.

5.72 Further, there is potential for the watercourse to become polluted during the construction phase of the development and so a condition requiring the submission and approval of a CEMP is proposed to safeguard this.

5.73 In terms of biodiversity enhancements, Section 7 of the Bat, Water Vole and Reptile Surveys report and Section 4 of the PEA sets out enhancements. This includes a wildlife/landscape buffer sown with a wildflower mix along the north-western boundary of the site which will include the retention of existing trees and new planting. This will also enhance the degraded riparian habitat currently found there and buffer the stream from silt run-off. Other enhancements are proposed to nesting birds and roosting bats as detailed in Section 7 of the survey report and section 4 of the PEA. Overall, it is considered that these will provide sufficient biodiversity enhancements. Therefore, the proposal is considered to be compliant with paragraphs 174, 179 and 180 of the NPPF and Local Plan policy EH3, subject to conditions, including the provision of a Landscape Masterplan for the site to secure biodiversity enhancements, as detailed in the Biodiversity Officer comments.

Landscape Impact and Trees

- 5.74 In terms of impact on landscape character and trees, paragraph 131 of the NPPF seeks to ensure that existing trees are retained wherever possible and that opportunities are taken to incorporate new trees into the development. The site is densely vegetated, and this makes an important contribution to the character and quality of the surrounding environment.
- 5.75 A Landscape Masterplan has been submitted which shows that a landscape/wildlife buffer is proposed along the north-western boundary of the site with existing boundary vegetation to be retained.
- 5.76 In terms of trees, the Landscape Officer considers that whilst the group of pollarded willows (T9-T12) growing in the centre of the car park are characteristic of the wider landscape, due to their species, form and past management, they do not need to be a constraint on development. Whilst T12 is shown to be retained, Officers consider that this would be impractical in practice. Small areas of proposed 'hand digging' within RPAs (e.g., T17) are proposed and would be controlled through the imposition of a condition requiring compliance with the approved Drainage Layout.
- 5.77 Limited details of landscaping have been provided and so a condition would be required to secure appropriate species and management details in a comprehensive landscape scheme and 5-year maintenance plan.

S106 Matters

- 5.78 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.
- 5.79 A Section 106 Agreement requiring that the land is cleared of all caravans and camping equipment prior to the occupation of the proposed dwellings is necessary.
- 5.80 A legal agreement is also necessary to require that the pub conversion is completed prior to the occupation of the new-build dwellings to secure the conversion and enhancement of the existing run-down pub as a key planning benefit of the scheme and because a condition to this effect would not be enforceable.
- 5.81 The applicant has confirmed that they do not object to any of the requests in-principle. These requests will be addressed during the legal agreement negotiation phase.

The Overall Benefits of the Scheme

- 5.82 Officers acknowledge that the proposed development would contribute 8 dwellings. Given the Council's current housing land supply position and the location of the dwellings this is considered to have limited to modest weight.
- 5.83 However, Paragraph 120 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal makes use of an existing brownfield site within a settlement for homes and substantial weight is afforded to this in accordance with the NPPF.

5.84 There would also be benefits from construction jobs and improvements to the setting and appearance of the area through the conversion of the vacant and derelict pub building. Biodiversity enhancements are also to be secured through the submission of a comprehensive landscaping scheme for the site and 5-year maintenance plan as are improvements to Foxburrow Lane through the provision of a passing place.

5.85 The site has a history of unlawful activity, and the Council has received several complaints in the last 10 years or so regarding activities at the site. The proposed development would help to bring that to an end with social benefits for local residents generated through a reduced perception of crime and disorder. The removal of the caravans from the site could be secured by way of planning obligation. These benefits add to the modest weight from the provision of housing set out above, with the poorer amenity, visual impact and flood resilience of the caravans replaced with better permanent dwellings.

5.86 There would be harm from the use of the site for dwellings in an unsustainable location, loss of existing trees and the amenity of future occupants from reduced internal living space. However, this harm is not considered to outweigh the benefits of the scheme.

Conclusion and Planning Balance

5.87 In conclusion, Officers consider that the weight to be given to the benefits of the scheme would outweigh the weight to be given to the identified harms and the fact that it is in conflict with the development plan. This is one of the rare instances when the site specific material considerations are considered to outweigh the harms to policy that approval would cause. It is considered that the proposal is acceptable, and the application is recommended for approval, subject to conditions and 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. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

5. The garage doors shall be constructed of dark stained timber and retained in that finish unless otherwise agreed in writing by the Local Planning Authority.

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

6. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

7. The roof(s) shall be covered with stone tiles a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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

8. A native hedge shall be planted along the road-side boundaries of plot 3 before first occupation of the dwellings in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The hedge shall thereafter be so tended as to grow to, and to remain at, a height of not less than 1.8 metres.

REASON: To safeguard the amenity of residents.

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

REASON: Control is needed to ensure that flood risk is not increased in the locality.

10. The development shall be completed in accordance with the following documents:

- Sections 6.1-6.17 and Section 7 of the Bat, Water Vole and Reptile Surveys report, prepared by 4 Acre Ecology, dated 18th July 2023;
- Section 4 of the Preliminary Ecological Appraisal report, prepared by All Ecology, dated February 2023.

All of the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained.

REASON: To ensure bats, nesting birds, badgers and dormice are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, Circular 06/2005,

paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

- I. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
 - I. Risk assessment of potentially damaging construction activities;
 - II. Identification of 'biodiversity protection zones';
 - III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - IV. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - V. The times during construction when specialists ecologists need to be present on site to oversee works;
 - VI. Details of the storage of equipment, waste and materials;
 - VII. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and

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

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

12. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
 - a) Identify the areas/features on site that are particularly sensitive for bats;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

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

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

13. Prior to occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native scrub, native tree planting, bird and bat boxes and bulb planting) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

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

REASON: To safeguard the character and appearance of the area and to enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

15. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

16. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

17. No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

18. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

REASON: To prevent pollution of the environment in the interests of the amenity in accordance with policies EH8 of the West Oxfordshire Local Plan (2031) and Section 15 of the NPPF.

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

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

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

REASON: To protect the amenity of neighbouring residents.

21. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

REASON: To protect the amenity of neighbouring residents.

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

REASON: To protect the amenity of future occupiers of the dwellings.

23. 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.

INFORMATIVES :-

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1)).
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
3. 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 Council by way of legal agreement between the applicant and Oxfordshire County Council see <https://www.oxfordshire.gov.uk/business/licences-and-permits/dropped-kerbs>.
 4. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

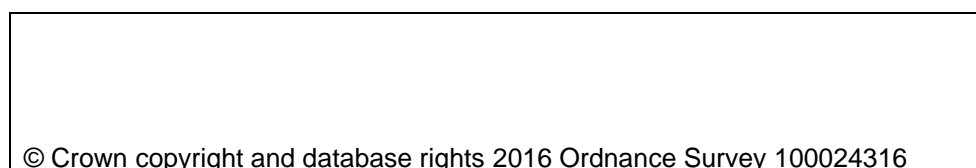
Contact Officer: Clare Anscombe

Telephone Number:

Date: 20th December 2023

Application Number	23/02476/FUL
Site Address	59 Barrington Close Witney Oxfordshire OX28 5FJ
Date	20th December 2023
Officer	Elloise Street
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	434154 E 209414 N
Committee Date	8th January 2024

Location Map



Application Details:

Change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension. (Part retrospective)

Applicant Details:

Mr Mark Ellen
59 Barrington Close
Witney
Oxfordshire
OX28 5FJ

I CONSULTATIONS

Parish Council

While Witney Town Council does not object to this application in terms of material concerns, it notes the loss of permeable drainage and would ask that mitigating measures are considered to help decrease the possibility of surface water flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031.

OCC Highways

No Comment Received.

Parish Council

Witney Town Council has no objections regarding this application.

OCC Highways

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

Recommendation:

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

2 REPRESENTATIONS

2.1 No third party representations have been received to date.

3 APPLICANT'S CASE

3.1 No supporting statement was required with this planning application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for the change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension. (Part retrospective) at 59 Barrington Close, Witney.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as Witney Town Council have not objected to the proposed scheme and their views are contrary to the Officers views.

5.3 The application site relates to an end of terraced dwelling within the residential area of Deer Park, Witney. The land to the north of the dwelling is under the applicants ownership but was allocated as amenity land in the original permission for the housing estate.

5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity, residential amenity, parking provision and highway safety.

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

- Principle of Development
- Siting, Design and Visual Impact
- Impact on Neighbouring amenity

- Highways
- Other Matters

Principle of Development

5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.7 The proposed change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension are to be associated with the residential property of 59 Barrington Close, Witney. Therefore, the principle of development is considered acceptable following further assessment in regards to the impact on the design and siting, parking provision, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Visual Impact

5.8 As the proposed works are part retrospective, the described works have been split into the elements which are proposed, and which are already in place.

5.9 The proposed single storey side extension is to be on the northern elevation of the existing dwelling. The proposed extension is to be 3.30m in width and 7.7m in length. The extension is to be a flat roof extension which is to have an overall height of 2.8m. The front elevation is to have a window. The side elevation is to have a singular door, 1 single paned window and a triple paned window. The rear elevation is to have one singular paned window. The extension is to facilitate a larger kitchen, accessible bedroom and en-suite. The proposed materials are white render for the walls, single ply membrane for the flat roof and uPVC double glazed windows and doors.

5.10 The part retrospective element to this application is for the change of use of the amenity land to residential land and the fencing surrounding the amenity land. The applicants were advised that planning permission was required for the fencing back in 2017 due to an original condition on the housing development which restricted new fencing on the highway without planning permission. The fence is a 4ft high fence with a trellis above giving an overall height of 1.8m. Some of the fence will be removed to facilitate the side extension and the timber gates will be replaced in front of the parking provision and the fence will be continued. The area of amenity land to be changed to residential land with the proposed side extension would be 61sqm.

5.11 Policies OS2 and OS4 are relevant to be considered for the proposed application. Policy OS2 focusses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Similarly Policy OS4 states that "new development should respect the historic,

architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings. This also links with Section 12 Paragraph 130 b which states policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NPPF also makes reference to local planning authorities preparing design guides and therefore it is important to also take regard of the West Oxfordshire Design Guide as a supplementary planning document. The design guide states "As an overarching principle, the scale, form and character of the original property should be sympathetically reflected in any proposed changes" it also states "Extensions or alterations that are of an inappropriate scale, or likely to obscure or significantly alter the form or character of the original property, are unlikely to be supported; or to result in a loss of amenity for neighbouring properties (through overlooking or overshadowing, for example)."

- 5.12 Officers consider that the proposed works are going to be an incongruous addition to the host dwelling and fails to form a logical complement with the pattern of development in the area nor with the host dwelling. Officers consider that whilst the extension is marginally smaller in width compared to the dwelling, the extension obscures the nature of the dwelling which is a modest 2 storey dwelling and detracts from its simple plan form. Officers also consider due to its positioning in the plot and the neighbouring property of 61 it would appear cramped and contrived in the site. Officers also consider the design, scale and form of the proposed does not accord with the current form of the host dwelling and pattern of development. The design of the extensions are not considered appropriate and fail to enhance the host dwelling. Officers also consider that the use of render for the walling is inappropriate and there are no uses of render within the vicinity. Therefore, the proposed development is not considered to be a positive addition to the host dwelling, residential or visual amenity.
- 5.13 The change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension would be visible on the street scene, however it has been considered that the proposed extension would give rise to adverse impacts in regards to visual amenity as it is an incongruous and over dominating addition to the dwelling that would not be appropriate in this location. Officers have considered that whilst the amenity land is a large proportion of land to be changed to residential use, there are other elements of landscaping which soften the vicinity and whilst walling would be preferred in this location, the existing fence is of high quality and complements the street scene.

Impact on Neighbouring amenity

- 5.14 Given the nature of the change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. Whilst the extension would be cramped and contrived and close to the neighbouring property of 61, there would be no detrimental overlooking and would not result in loss of light or overshadowing.
- 5.15 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

5.16 OCC Highways have been consulted on the application due to the single storey side extension going in place of the existing parking provision and new parking provision is proposed on the amenity land. OCC Highways have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Conclusion

5.17 The proposed the change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension, by reason of its scale, siting, and design, will appear as a cramped and contrived addition to the detriment of the character, appearance and form of the host dwelling. The proposal is therefore considered contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant pages of the NPPF 2023, the National Design Guide and the West Oxfordshire Design Guide.

6 REASONS FOR REFUSAL

1. The proposed the change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension, by reason of its scale, siting, and design, will appear as a cramped and contrived addition, to the detriment of the character, appearance and form of the host dwelling and to the character of the surrounding area. The proposal is therefore considered contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant pages of the NPPF 2023, the National Design Guide and the West Oxfordshire Design Guide.

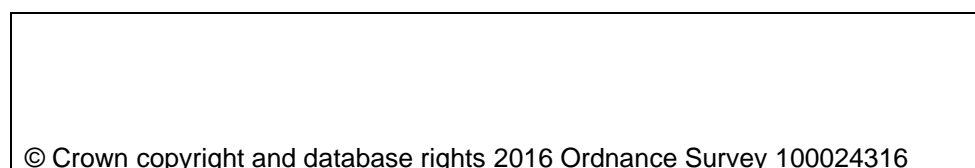
Contact Officer: Elloise Street

Telephone Number:

Date: 20th December 2023

Application Number	23/02558/S73
Site Address	Clover Court Bushey Drive Clanfield Bampton Oxfordshire OX18 2TS
Date	20th December 2023
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Clanfield Parish Council
Grid Reference	428369 E 201453 N
Committee Date	8th January 2024

Location Map



Application Details:

Variation of conditions 6 (fenestration changes), 7 (garage cladding above stone plinth with timber), 15 (soakaway location variation for Plot 4 garage, accessway drainage amendment), 16 (solar panels on plots 1, 2 and 3 and to the garage roof of Plot 4, air source heat pumps, accessway routing changes, Plot 3 location change, Plot 4 garage location change, first floor layout alterations, side and rear elevation alterations for house designs 1 and 2), 11 (bird and bat box details), 12 (landscaping details), and 14 (lighting details) of planning permission 21/01963/RES. (Part Retrospective). (amended drainage and description).

Applicant Details:

Mr Rob Stewart
14 The Pines
Faringdon
SN7 8AU

I CONSULTATIONS

Env Health Noise And Amenity Having reviewed the appropriate deposited documentation, I have no objection to the variation of conditions 14 (lighting detail) and 16 (solar panels on plots 1, 2 and 3 and to the garage roof of Plot 4, air source heat pumps, accessway routing changes, Plot 3 location change, Plot 4 garage location change, first floor layout alterations, side and rear elevation alterations for house designs 1 and 2).

My comments in respect of condition 16 apply to the proposed air

source heat pumps. I have reviewed the acoustic report supplied by Inacoustic and find no reason to disagree with their conclusion on the assumption that the units installed are those specified in the report.

District Ecologist

No Comment Received.

Parish Council

The Parish Council has consulted residents and District Councillors before making this submission and requests that this application and all comments are considered by the Planning Committee and not under the scheme of delegation to Planning officers.

Context

It is important that this application is considered in the context of what has happened on site since the developer appealed successfully against your decision to disallow the construction of 4 new dwellings on this site. We understand that the developers appeal was approved by a Birmingham based Inspector who described the area as URBAN!! This developer has demonstrated ongoing flagrant disregard for the planning process and resulting enforcement action. The submission of retrospective applications to rectify planning breaches is an unacceptable abuse of the planning system and makes a mockery of the initial planning permission. It is our view that this developer has no interest in conforming to his own original plans, and not even those now submitted!

On Site

The current S73 plans still do not reflect what is built in reality, with specific regard to the road layout proposed (drawing submitted referenced as 'Block Plan BD9'). The termination of the road to the north of the site does not end where shown in the plans but instead terminates ON THE CURTULAGE BOUNDARY. This is clearly in preparation for future speculative development applications into the land to the west of Adams Farmhouse/ south of Setting Barn. This is compounded by the additional extra 4 mains water pipes laid in Bushey Drive - these are not within the agreed drainage plan and have not been included in the S73 either. The fact that the construction does not accord with the plans proposed is a breach and the proposal should be refused on grounds of false information being provided. The accompanying planning statement to the current S73 application refers to an additional Block Plan 'BD8' but this plan has not been provided - therefore it is not possible to comment on this part of the proposal which may be construed as being purposefully obstructive by way of not providing information needed to pass judgement in the consideration of the application.

There is purposeful disregard to historically noted flooding events and the failure to comply with approved drainage schemes, resulting in increased flood risk to both existing and newly built properties.

Additionally, the developer appears to have filled in drainage ditches along the western boundary of the site, which overflowed and drained towards Setting Barn and Adams Farmhouse in 2007 - this amendment has not been included in the current S73 either.

Whilst the materials used in the construction of the amended garages

for each property are within the character area for Clanfield with regard to the WODC Design Guide 2016, the reasoning of the original Condition 7 relating to materials being stone (not cladding) was robust, being 'to safeguard the character and appearance of the area' -the garages as built (also not to original roof design) do NOT safeguard the character and appearance of the area and will appear incongruous and jarring within the street scene of Clover Court and in relation to surrounding STONE built properties/ outbuildings/ garages.

There has been a repeated lack of respect to surrounding residents with regard to regularly causing noise nuisance outside of normal acceptable construction hours (hammer drilling at 6.45am on a Sunday morning is utterly rude) and creating issues of littering of construction material and waste being blown in to surrounding resident's gardens and agricultural land.

Section 73s should be assessed on their own merits and include ALL necessary supporting information to be fully assessed - the application does not reflect reality and the supporting information is misleading. The proposed amendments do not form a logical compliment to the pattern of development or character of the area and do not protect or enhance the settlement and increase risk of flooding - therefore the proposal is contrary to Policies OS2, OS4 and EH7 of the WOLP 2031.

Please ensure that the Parish Council's comments are published on your planning portal.

Thank you

District Ecologist

07/12/23

The revised documentation submitted for the variation of conditions 11 and 14 is sufficient, therefore I have no objections to the proposed variation of these conditions.

As stated in my previous response, the submitted revised documentation for condition 12 is also sufficient to allow for the variation of this condition.

Env Health Noise And Amenity

Thank you for the opportunity to comment on this variation. Having reviewed the application I would request that the applicant submits a BS 4142:2014+A1:2019 noise assessment for the installation of four air source heat pumps at the site.

A cumulative impact from multiple units on the site should be determined as part of the assessment.

It is recommended that the installations sound rating level does not exceed 35dB at any noise sensitive façade of neighbouring residential premises (this also includes the new properties detailed in this application) in line with guidance from the Chartered Institute of Environmental Health and the Institute of Acoustics Briefing Note on

Heat Pumps Nov 2022.

14/12/23

Having reviewed the appropriate deposited documentation, I have no objection to the variation of conditions 14 (lighting detail) and 16 (solar panels on plots 1, 2 and 3 and to the garage roof of Plot 4, air source heat pumps, accessway routing changes, Plot 3 location change, Plot 4 garage location change, first floor layout alterations, side and rear elevation alterations for house designs 1 and 2).

My comments in respect of condition 16 apply to the proposed air source heat pumps. I have reviewed the acoustic report supplied by Inacoustic and find no reason to disagree with their conclusion on the assumption that the units installed are those specified in the report.

WODC Drainage

No objection raised.

2 REPRESENTATIONS

2.1. This application received 6 comments of objection, the full comments can be read on the WODC planning website but are summarised below:

- Concern over the potential increase to flood risk
- Insufficient drainage information was submitted to make an assessment;
- The new materials used in the construction of the garages do not respect the character and appearance of the area;
- The revised garage design is architecturally at odds with the house design;
- The boundary treatments proposed in the landscape scheme do not accord with the open nature of the existing surrounding settlement and are visually harmful;
- The landscape scheme is not an improvement to the one submitted under the previous reserved matters consent;
- There is no justification given for the variation of condition 6;
- The first floor windows should be non-opening and obscure glazed;
- Additional services have been installed and the road layout has changed to facilitate the future development of the neighbouring site;
- This works included in this application have already been carried out.

3 APPLICANTS CASE

3.1 No specific case has been submitted, however there is a statement regarding the changes that can be viewed online.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
EH3 Biodiversity and Geodiversity
EH6 Decentralised and renewable or low carbo
EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1. This is a retrospective application made under section 73 of the Town and Country Planning Act (1990) (as amended) for the variation of condition 6, 7, 11, 12, 14, 15 and 16 of planning permission 21/01963/RES to allow changes to the first-floor windows, the garage design, landscape, lighting and bird and bat box locations, drainage scheme and other minor changes in the site layout.
- 5.2. This application is before the Lowlands Planning Sub-committee due to Member call in, the Parish Council have also raised an objection that is contrary to the views of the Officer.
- 5.3. The planning permission that is proposed to be varied in this application granted reserved matters consent for four dwellings (appearance, landscaping, layout and scale), pursuant to outline permission 19/00115/OUT.
- 5.4. The site does not lie within any special designated area. There are four grade II listed buildings within 100m of the site.
- 5.5. The applicant submitted the amended drainage scheme after the application had been validated, as a result your officers formally reconsulted relevant consultees including the drainage officer and the Parish Council.

Planning History

- 5.6. Permission for residential development of the red-edged site was first granted at appeal under the reference 19/00115/OUT. As an outline permission there followed a reserved matters application ref. 21/01963/RES that was determined at the Lowlands Planning sub-committee and granted approval on 4th April 2022.

Principle of Development

- 5.7. Section 73 of the Town and Country Planning Act 1990 applies to applications for planning permission for the development of land without complying with conditions subject to which previous planning permission was granted. The LPA shall consider only the conditions subject to which planning permission should be granted and may grant consent subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, permission should be refused.

- 5.8. The regulations set out that the LPA can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Officers will, therefore, consider whether the planning impacts of the proposed changes accord with the provisions of the local development plan and relevant material considerations. This assessment will then consider whether the conditions attached to the 2022 consent need to be carried forward, if any further conditions need to be attached to any new consent or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, and if so, refuse the application.
- 5.9. The principle of development is found to be acceptable in light of the existing outline and reserved matters consents approving four dwellings on this site, with regard to an assessment of the material considerations in this report.

Design and Visual Impact

- 5.10. Policy OS2: Locating Development in the Right Places, requires development to form a logical complement to the existing pattern of development and the character of the area. Policy OS4: High Quality Design, of the West Oxfordshire Local plan 2031 states that 'new development should respect the historic, architectural and landscape character of the locality'. Section 12 and in particular, paragraph 126 of the NPPF 2023 emphasises the importance of good design in making planning decisions.
- 5.11. Four Grade II listed buildings are within 100m of the site. 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.
- 5.12. Local Plan Policy EH9 (Historic environment) states 'All development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment'. Local Plan Policy EH11 (Listed Buildings) states 'Proposals for additions or alterations to, or change of use of, a Listed Building (including partial demolition) or for development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to:
- a) *conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;*
 - b) *respect the building's historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and*
 - c) *retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form'.*
- 5.13. 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.
- 5.14. The application proposes several design amendments, including some minor adjustments in the orientation of two of the dwellings. The proposal includes changes to the garages of each plot. The previous design comprised a pyramidal roof design and Cotswold stone elevations. The current scheme comprises of dual-pitched roofs and timber cladding with stone plinths for the elevations. The garage on plot 4 has moved slightly closer to the entrance of the development.

- 5.15. The garages of plots 1, 2 and 3 are situated alongside and between their host dwellings. In these positions they appear as subservient to the dwellings which have been constructed with Cotswold stone approved by the previous consent. As such the garages are well incorporated into the layout and do not appear overly prominent within the site. While the garage of plot 4 is in a slightly more prominent location near the entrance to the site and further away from the associated dwelling, your officers consider that as this garage concurs with the other garages it is in keeping with the rest of the site.
- 5.16. The revised roof shape reflects the form of the dwellings, with dual-pitched roofs being characteristic of the local area as outlined in the West Oxfordshire Design Guide 2016. As a natural material that is seen elsewhere in the surrounding area, the timber cladding that has been used for the garage elevations is considered to be an acceptable material in this location for an ancillary building such as a garage. These changes to design and materials are considered commensurate with the approved dwellings.
- 5.17. With regard to the wider setting of the development the application site is a backland plot that is not visible in the street scene and is set away from the historic core of the village. As such, any visual impact is restricted to the immediate neighbours and the impact to the Grade II listed buildings Windmill house and Barn is limited. There are views between the site and the Grade II listed buildings High house and Setting Barn to the north/northeast. Considering the dwellings represent the bulk of the built form on site and have been constructed in the previously approved Cotswolds stone, and that the garages are not overly prominent within the site your officers consider that the proposed changes to the garages will have a neutral effect on the impact of the development as whole on the settings of the listed buildings and the character and appearance of the area.
- 5.18. The reason given for condition 7 relating to the roof and elevation materials, of the previous consent was 'to safeguard the character and appearance of the area', this reason does not prevent the use of other materials that may comply with the Local Plan. In light of the above assessment, your officers consider the proposed amendments to the design elements to be acceptable. As the garages have been constructed your officers are of the view that it is unnecessary to condition the use of timber cladding as a material.

Drainage

- 5.19. The site is in flood zone 1 and as such is at the lowest risk of flooding, however in the reserved matters application the drainage officer did request details of the surface water drainage scheme and a condition was imposed to secure this.
- 5.20. The proposal includes amendments to the surface water drainage scheme. Objections have been received relating to the proposed amendments and the possible impact on surface water flooding, your officers understand that surface water flooding is a topic of concern for Lowlands, however drainage matters are the consideration of technical officers and in this case the drainage officer did not raise an objection to the amended plans. As such, your officers recommend that condition 15 relating to the drainage is amended to include the new surface water drainage scheme.

Residential Amenity

- 5.21. The application proposes variations to the first floor windows that may affect residential amenity. The previous consent required all first floor windows be fitted with obscure glazing and either non-opening or more than 1.7 metres above floor level. The current scheme proposes that the first floor windows remain obscure-glazed but are not non-opening.
- 5.22. In addition a second first floor en-suite window has been installed on the side elevations of both house designs and the first floor master bedroom windows to the rear of the dwellings has also been made slightly wider. With regard to the additional en-suite window your officers do not consider this likely to result in unacceptable levels of overlooking due to the obscure glazing. Your officers do not consider the widening of the master bedroom windows to materially change the outlook from these windows and as such has a neutral impact in this regard.
- 5.23. In summary, your officers propose that the side windows on south-east facing elevation of plot 4 should be installed as per the original condition, as well as the first floor windows on the south-facing elevation of plot 1 as these overlook the gardens of existing neighbours. Your officers recommend amending the wording of condition 6 to reflect these changes.
- 5.24. The proposal has also introduced air source heat pumps at each of the dwellings. The Noise Officer requested a noise impact assessment to evaluate the potential impact of noise on neighbouring properties. The officer has reviewed the submitted noise assessment and raised no objection to the conclusions within the report, as such, your officers consider the addition of the air source heat pumps is acceptable.

Biodiversity and Landscape

- 5.25. The previous consent imposed three conditions relating to the landscaping scheme, details of external lighting and the locations of bat and bird boxes for the reason of enhancing biodiversity with the intention of securing biodiversity net gain that required the submission of further details prior to the occupation of the dwellings. The applicant has submitted those details within this application.
- 5.26. Objections have been raised on various elements of the landscaping scheme, however residential amenity was not given as a reason for the landscape condition and matters such as screening for privacy was not a consideration in the assessment of these details.
- 5.27. As the biodiversity officer has not raised an objection to the proposed schemes, your officers recommend amending conditions 11, 12 and 14 to include the approved schemes but retain the previous time frames for implementing each scheme.

Solar Panels

- 5.28. This application introduces solar panels on the roofs of the dwellings at plots 1, 2 and 3 and the garage of plot 4. The solar panels have been installed during the construction of the dwellings. They are incorporated into the roof slope, and do not protrude from the roof slope and can only be seen in full from the rear gardens of plots 1, 2 and 3. The position of the panels on the roof of the plot 4 garage are more visible but remain sympathetically incorporated into the roof slope.

5.29. In light of the above, your officers consider the solar panels to form a logical complement to the approved dwellings and a positive addition to the development overall that reflects local and national goals of supporting renewable energy sources and in this regard is of public benefit.

Other Matters

5.30. Representations have been received that object to the retrospective nature of this application, your officers note that retrospective section 73 applications are provided for within the Town and Country Planning Act 1990 and as such are a valid method of attaining planning permission.

5.31. Concerns have also been raised about the adjacent site to the north, while officers sympathise with the concerns of residents regarding potential development of this land, your officers can only consider the land contained within the red-lined site of this application.

Conditions

5.32. Decision ref. 21/01963/RES was subject to a total of 16 conditions. The effect of a section 73 application is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. The conditions have been reviewed and your officers recommend amending conditions 6, 7, 11, 12, 14, and 15 according to the wording in section 6.

5.33. Your officers have reviewed the other conditions which are relevant to the previous consent. The following condition is proposed to be removed but all others to be retained:

Condition 1- The permission has been implemented. Therefore, this condition is not applicable and will not be applied.

5.34. The application proposes to amend condition 16, while officers are not recommending to amend the wording of this condition the plans which the condition refers to are proposed to be updated.

Conclusion

5.35. Your officers consider the application to accord with policies OS2, OS4, H6, EH3, EH6, EH7, and EH8 of the West Oxfordshire Local Plan 2031, relevant paragraphs of the NPPF 2023 and the West Oxfordshire Design guide 2016. As such, it is recommended that the application be approved with the conditions as set out in section 6.

6 CONDITIONS

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

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

2. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

3. No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable two vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in the side elevation(s) of the building(s) hereby approved.

REASON: To safeguard privacy in the adjacent properties.

5. Prior to the first occupation of the development hereby approved, all first floor side elevation windows shall be fitted with obscure glazing. The first floor windows on the south east elevation of plot 4 and on the south elevation of plot 1 shall also be either non-opening or more than 1.7 metres above the floor level. The first floor windows hereby referred to shall be permanently retained as installed thereafter.

REASON: To protect the residential amenities of the occupants of neighbouring dwellings.

6. The elevations and roofs of the development hereby approved shall be constructed with the following materials and shall be retained as such thereafter.

Dwelling Elevations: Natural Cotswold Stone as shown in image received by the council on 30/05/22 (Tinkers Barn Stone)

Roofs: Cardinal Slates (Cotswold reproduction) as shown in email received by the Council on 27/04/2022

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

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

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

8. The garages hereby permitted shall be used for the parking of vehicles and ancillary domestic storage only and shall not be used as additional or independent living accommodation without the prior approval, in writing, of the Local Planning Authority.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety and to protect the amenity of nearby occupiers

9. The development hereby permitted shall be completed in accordance with the recommendations in Section 7 of the Preliminary Ecological Assessment report dated 09/12/21 prepared by 4 Acre Ecology Ltd, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

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

10. Prior to the first occupation of the development hereby approved, the approved details of the type and location of bat boxes and bird boxes in plans BD19 Rev 1, BD20 Rev 1, BD21 Rev 1 and BD22, and the location of gaps beneath close boarded fencing for hedgehogs in plan BD11 rev 1 shall be implemented in full, unless otherwise agreed in writing by the local planning authority and shall be permanently retained and maintained thereafter.

REASON: To enhance biodiversity in accordance with Policy EH3 of the West Oxfordshire District Local Plan 2031, paragraphs 174, 179 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. The landscape scheme hereby approved ref. BD12 Rev 2 shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

12. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy

Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

13. Prior to the first occupation of the development hereby approved, the approved details of the external lighting shall be installed in accordance with the specifications and locations set out in plans BD19 Rev 1, BD20 Rev 1, BD21 Rev 1 and BD22 and the photo of the proposed downlight bulb received by the Council on 07/12/23 and these shall be maintained thereafter in accordance with these details. Under no other circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

14. The surface water drainage scheme shall be implemented in accordance with the following approved details prior to the first use of the dwellings hereby approved and shall be retained as such thereafter:

- Drainage Strategy (Drawing BD13)
- Surface Water Exceedance Flows (Drawing BD14)
- Accessway Areas (Drainage) (Drawing BD15)
- Accessway Area A Cross Section (Drainage) (Drawing BD16)
- Accessway Area B Cross Section (Drainage) (Drawing BD17)

REASON: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

15. 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.

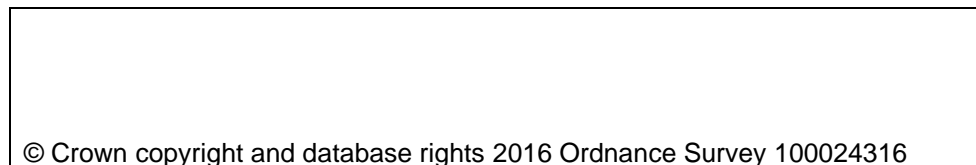
Contact Officer: Rebekah Orriss

Telephone Number:

Date: 20th December 2023

Application Number	23/02731/FUL
Site Address	The Coffee Shed The Leys Witney Oxfordshire OX28 4AR
Date	20th December 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435485 E 209036 N
Committee Date	8th January 2024

Location Map



Application Details:

Demolition of existing hub and erection of replacement hub and community facilities, installation of court lighting, creation of new pedestrian access, extension to existing car park, creation of changing and shower facilities from former depot facility and resurfacing of tennis courts to provide new tennis courts, MUGA and Padel courts and installation of canopies above Padel courts together with associated works (amended parking plans)

Applicant Details:

Mr Jeff Hunter
Courtside Hubs CIC
20 Wheatley Business Centre
Old London Road
Oxford
OX33 1YW

I CONSULTATIONS

Parish Council	No Comment Received.
WODC Env Services - Landscape	Some concerns with proposed tree species but no concerns with the proposed tree removal.
OCC Highways	The proposal (as shown on amended plans), if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

Recommendation:

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

- G28 parking as plan NB blue badge holders and staff parking only
- Prior to 1st use and the retention thereafter the provision of traffic calming and local widening along the access road to the highway in accordance with a scheme to be submitted and approved
- Prior to 1st use and the retention thereafter suitable signing indicating authorised access only in accordance with a scheme to be submitted and approved.

There is no doubt that shared use of the access is far from ideal but nevertheless the depot use on the application site exists at present and is a material consideration in the determination of the application. The traffic generation resulting from the proposed use was compared with the traffic generation that could be expected from a depot type use on site and not necessarily from that as used at present by Witney Town Council.

The Transport Statement included details of both the depot use and the traffic generation resulting from the original 21 space car park open to the general public. In my opinion the proposal for the 21 space car park would represent an unacceptable intensification of vehicular use along the access to the highway.

Amended plans have been submitted, in part reducing the scale of parking and restricting the use of the parking spaces to blue badge holders and staff. I note the proposal for signing indicating authorised access only.

Whilst considering that a proposal including no car park arrangement may be the better option I must comment on the application as submitted. I cannot demonstrate that the proposal as submitted and shown on the amended plans would significantly intensify the vehicle use and cause such harm as to warrant the refusal of the application for reasons of safety and convenience.

The proposed traffic calming should permit the easy passage of pedestrians/cycles/mobility scooters/wheelchairs/prams etc.

Sport England South East

23.11.23 - Standing objection

12.12.23 - Objection withdrawn and no objection held

Env Health Contamination

Thank you for consulting our team, I have looked at the application in

relation to contaminated land and potential risk to human health.

From review of the submitted information it appears that part of the proposed development will be over the current service yard. There is potential for fuels or other potentially contaminating substances to have impacted soils based on this use. Please consider adding a condition to any grant of permission.

Env Health Noise And Amenity

There are two aspects to my comments on this application, the first on noise and the second on the lighting.

With regard to noise, I have read and reviewed the noise report provided by Sharps Redmore, and can find no reason to disagree with their conclusions. I do however have slight concerns with the proposed timing of 22:00 hours for the finish of activity and would ask if this could be reduce to 21:30 hours.

Reason: To protect the amenity of the neighbourhood.

With regard to the lighting, the report and lighting plan submitted by Signify Lighting UK Ltd, shows minimal light over-spill outside of the playing areas. Whilst I feel that this will not mean that neighbours will not be able to see the illumination if they look in the direction of the playing areas, it will not cause glare and should not be visible through drawn curtains. This is on the reasonable assumption that the lights will only be used during hours of darkness when curtains are normally drawn.

Provided that the lighting is installed and maintained in accordance with the deposited documents, I have no objection to make.

Conservation And Design Officer

I do not consider the current application preserves, conserves or enhances the views, setting and appearance of the heritage assets. I do not consider the overall scheme, design and materials respects the age, distinctiveness, and character of the Church Green Character Area and historic landscape character; the current proposal is cumulative and transformative and would have a deleterious impact on all identified heritage assets.

Contrary to legislation, NPPF section 16, LP Policies EH9, EH10, EH11, EH13, EH16 and Witney & Cogges Conservation Area Appraisal and WODC Design Guidance (Local Character & New development).

WODC Drainage

No objections subject to comments and condition -
Soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. They should be at least 5m from any building and a minimum of 2m from any property boundary.

Parish Council

Witney Town Council welcome this proposal and supports the application which will bring new recreational opportunities and facilities to this much used site in Witney under the Council's control. However, Members acknowledge concerns raised by residents via this planning process and ask that the applicant considers appropriate solutions to address these.

Members of the Climate, Biodiversity & Planning Committee heard a further representation from neighbouring residents, that residents support the application in principle but have concerns about the increased on-site parking and associated traffic. The increase in vehicle movements will be detrimental to the safety of users of The Leys, since access will be via the existing narrow lane. This path is used by runners, walkers and dog walkers as a circular route as well as residents of nearby 'Fernleigh' extra care home (the paved loop can be used by wheelchairs and mobility scooters), the path is regularly crossed by families and children that are visiting the park and will run across to use the WC facilities, residents from Buttercross Lane and the surrounding area (especially families and children) access The Leys from the existing gate that leads into the park area, The Leys is very well used by visitors walking dogs and dogs are commonly being exercised off-lead.

Witney Town Council ask that the applicant considers these comments raised by residents, for a reduction in the car parking spaces, that the few spaces be restricted to staff parking, plus dedicated spaces for blue badge holders. If the proposed parking is to be approved in the current form, an alternative solution put forward by nearby residents is that a new path is created to run adjacent to the current lane, to allow the continuation of a surfaced path that allows non-vehicular users to safely enjoy a circular route.

WODC - Sports

Response

After reviewing this application in line with the Council's Playing Pitch Strategy dated February 2022 (PPS), we would support the proposal set out above, and ask that the points below be considered.

PPS

As identified in the PPS, ancillary provision at the Leys Recreation Ground is deemed to be very dated and in poor condition, so the creation of changing and shower facilities is to be welcomed.

The application refers to the removal of one tennis court. However, there are currently seven macadam tennis courts and four mini tennis courts at the Leys. Therefore, this proposal actually results in the removal of 3 tennis courts, which is significant. Whilst it may be considered that the creation of three padel courts, two basketball courts, 2 netball courts and a MUGA offsets the loss of 3 tennis courts, clarification as to what opportunities there are to lessen this

reduction in tennis courts should be sought.

Notably, the PPS highlighted that 'Witney has been identified as a strategic location for Indoor Tennis by the LTA (Lawn Tennis Association), due to the lack of indoor tennis provision in the area. Current proposals for the site include four indoor tennis courts, two covered padel courts, four outdoor tennis courts with sports lighting, a large gym, studio and spin studio, a café bar, changing and toilet facilities and 100 parking spaces. The lack of courts with sports lighting in West Oxfordshire limits recreational and informal demand and so this development should be supported to act as a hub in the area for LTA initiatives to activate this demand.'

Comments therefore from the LTA would be vital in understanding the impact this proposal would have on tennis in the area, especially considering the proposed reduction in the number of full-sized courts. The PPS also noted the need for sports lighting on the tennis courts, which will make the facility fit for purpose and also allows for increase flexibility for use by the local community all year around. The inclusion of court lighting in this application is welcomed.

Changing Rooms

We have concerns regarding the location of the Changing Rooms because users will move from the changing rooms across the car park entrance/exit to the Courtside hub/sports ground/activities. As users may be adults or children, and often people congregate outside changing facilities, this is a safety concern.

Adherence to current and subsequent Sport England guidance regarding the design and provision of Changing Rooms should be followed to ensure the facility is fit for purpose.

Conclusion

Overall, the proposed scheme will provide additional and improved facilities for the site, enabling more opportunities for physical activity

Although WODC does not wish to raise an objection to this application; it is requested that consideration of the above points be given and that consultation and discussion with Sport England and NGBs be undertaken.

Environmental Health
(Operational Services)

No Comment Received.

District Ecologist

The PEA has recommended a precautionary working method for nesting birds which is considered acceptable, therefore the above compliance condition is recommended to ensure that this is adhered to during demolition and construction works.

The PEA makes suggestions of enhancements for nesting birds, in the form of six bird boxes, however, no plans have been provided showing details of the type of bird boxes to be installed and their locations. Recommendations have also been made for the inclusion of invertebrate boxes. Therefore the above enhancement condition is recommended to ensure enhancements for biodiversity are secured.

Whilst suggestions have been made in the landscape design submitted for tree, meadow and ornamental planting, details confirming the exact species to be planted, their location, quantity and management/maintenance have not been provided, therefore the above landscaping condition is recommended.

The PEA has concluded that buildings and trees to be removed on site held negligible potential for roosting bats, and therefore not considered a constraint to this proposal. Nevertheless, bats are afforded legal protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), and as surrounding habitats offer moderate commuting, foraging and roosting opportunities and previous records of bats in the wider landscape, the above informative is recommended to ensure the applicant is made aware of the legal protection afforded to bats and their roosts.

I note the site falls within a Red impact zone for great crested newts. After taking into consideration the scale of the development, the overall hardstanding of the site and amenity grassland, it is felt great crested newts are unlikely to be a constraint to the development. Therefore, this constraint does not need to be considered further.

2 REPRESENTATIONS

2.1 There have been 10 comments of support summarised below:

- Addition of a new coffee shed and facilities would be an excellent addition to the area
- Enhance the varied sports and catering facilities
- Good to see additional parking
- "Cool place to hang out with my friends"
- Secure bike parking
- Design of the pavilion and pleased to see lights for the tennis courts
- Welcome plans to enhance existing tennis facilities
- New employment opportunities
- Facilities need upgrading urgently.
- Huge improvement on current facilities

2.2 There have been 20 comments of objection summarised below:

- Car park provision being contrary to Policies T1 and T3
- Not enough disabled spaces
- Highway safety concerns.

- Object to the extension of the car park for residents
- White Padel Court Screen is going to be an eyesore
- Floodlights will create significant nuisance
- Concerns on how Station Lane can cope
- Floodlights left on at night would spoil the area
- Detrimental to the character of the area
- More noise pollution

3 APPLICANT'S CASE

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

The application site is an existing sports and recreation facility in the form of The Leys Recreation Ground. The proposed development would modernise, expand and enhance the existing sports offering for local communities. The proposal would safeguard and increase the quality of and access to open space. As such the principle of the proposed development is considered to be acceptable and complies with national and local policy requirements.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH5 Sport, recreation and childrens play

E5NEW Local services and community facilities

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

T2NEW Highway improvement schemes

T4NEW Parking provision

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background information

5.1 The application seeks full planning permission for the demolition of existing hub and erection of replacement hub and community facilities, installation of court lighting, creation of new pedestrian access, extension to existing car park, creation of changing and shower facilities from former depot facility and resurfacing of tennis courts to provide new tennis courts, MUGA and Padel courts and installation of canopies above Padel courts together with associated works (amended parking plans) at The Coffee Shed, The Leys, Witney.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as per the scheme of delegation any application for Floodlights above 6m must be decided by the Committee.

5.3 The application site relates to an existing area of community value which includes a "Coffee Shed", Tennis Courts, mini tennis courts, service yard and storage areas.

5.4 The site falls within the Witney And Cogges Conservation Area. The site is also within 10m of a Tree Protection Order.

5.5 Relevant planning history:

- W97/1586 - Demolition of existing wooden shed and erection of concrete sectional building – Approved
- 19/02589/PDC - Addition of 2 Roller Shutters to protect windows and doors.

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

- Principle
- Design
- Impact on visual amenity of the streetscene
- Residential Amenity
- Biodiversity
- Environmental Health
- Sustainability

Principle

5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.8 Local Plan Policy OS2 Locating development in the right places 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 and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants".

5.9 Local Plan Policy EH8 Environmental Protection states that "The installation of external lighting will only be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light and the proposal would not have a detrimental effect on local

amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation"

- 5.10 Furthermore Policy E5 Local Services and Community Facilities states that "The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Policy EH5 Sport, recreation and children's play also states "New development should not result in the loss of open space, sports and recreational buildings."
- 5.11 Officers consider that the above 4 policies are key for this proposal and that based on the information submitted as part of the Planning Statement and the Proposal Document, for the application complies with the relevant policies and therefore the principle of development has been set. This is however subject to further assessment with regards to the design and siting, residential and visual amenity, biodiversity, environmental health, sustainability, drainage and any other matters.

Design

- 5.12 Proposed is demolition of existing hub and erection of replacement hub and community facilities, installation of court lighting, creation of new pedestrian access, extension to existing car park, creation of changing and shower facilities from former depot facility and resurfacing of tennis courts to provide new tennis courts, MUGA and Padel courts and installation of canopies above Padel courts together with associated works. As there are multiple elements to the works, it is logical to split the descriptions into each individual elements.
- 5.13 Firstly, proposed is the demolition of the existing "Coffee Shed" which is to the north of the redline area. This is to be replaced with the courtside hub. The proposed hub is to consist of an 160sqm indoor activity space, an entrance way to the new café which will have an internal seating area of 80 covers with a demonstrated mix of sofa seating, table seating and round tables. There will be a reception and a servery along with reasonable amounts of storage, toilets and an office space. The building to the south will have bifolding doors which will amount to additional 44 external seating spaces for the café.
- 5.14 The proposed community courtside hub is to have a maximum height of 6.4m with an average height to the eaves of approximately 4.5m on the northern elevation and 2.9m in southern elevation locations. The building is to have a standing seam aluminium roof and timber cladding for the walling on the northern elevation. The southern (rear) elevation is to have a cream render finish and some elements of timber cladding and standing seam aluminium roof. The side elevations will be primarily cream render and timber clad. The proposed eastern elevation will have a kitchen hatch which will serve members of the public as the existing coffee shed does now. The proposed southern roof scape is to have Solar PV Panels on.
- 5.15 To the west of the proposed courtside hub there will be a new changing and storage building which will utilise the existing service depot building which is to be used by both users of the new facilities but also by the wider sports pitches of The Leys which will include football and cricket. The layout of the building is to consist of 3 stores, 1 referee changing room, 1 away changing room and 1 home changing room. The building will remain relatively unchanged with the blocking up of 2 garage doors and a pedestrian door being inserted. One garage door and the existing double doors will be retained as existing. The existing shed to the north of the storage/changing rooms is to be demolished.

- 5.16 To the east of the proposed changing rooms is a designated delivery bay for the courtside hub and to the south there will be a pedestrian crossing. South of this, proposed is a staff/disabled parking area which is to consist of 5 disabled parking spaces, mobility scooter parking and 6 staff car parking spaces. This is to be facilitated by the loss of two of the tennis courts. The car parking area and the changing room area is to be locked with gate access as per the existing gates and they are to be retained for the authorised vehicle use only. The access road from the north of the site is to have "sleeping policemen" traffic calming measures and 900mm tall timber 'dragon's teeth' posts with white reflective strips to stop vehicles entering the Leys. There is also to be a set of bicycle racks and a new path around the bicycle parking. Also proposed is a re-instated footpath from the south of the site to the north of the site from Station Lane up to the car parking area.
- 5.17 Currently, there are 7 tennis courts and 4 mini tennis courts which are on the site south of the "coffee shed". Proposed is to change the courts to have 3 Padel Courts, 2 Shuffleboard Courts, 4 Tennis Courts or 2 Netball Courts and a MUGA area. The courts are to be within the same area as the existing courts, it is just that the materials and use are to change. The 3 padel courts are to have a canopy to cover courts which will have a barrel vault roof design and incorporate partially covered sides. The ridge height of the proposed canopies are to be 10m in height and are to be a soft white colour.
- 5.18 Also within the tennis courts/netball courts and the skatepark there is to be new floodlighting. There are to be 12 floodlights surrounding the tennis courts and 4 floodlights surrounding the skatepark. All floodlights are to be 10m in height and of an LED nature.
- 5.19 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

Impact on the visual amenity of the streetscene

- 5.20 The proposed works would be viewed on the streetscene however Officers consider that the principle of a sports area and community building has already been set by the existing use. The proposed community building, whilst larger, is of sympathetic materials and fits well within the wider street scene. The proposed courts are also low lying and sympathetic and a proportion and appropriate scale to its context. Therefore, the impacts to the visual amenity will be minimal and acceptable and in keeping with the streetscene.

Impact on Conservation Area

- 5.21 The proposed site is within the Witney & Cogges Conservation Area as a result Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

- 5.22 The Conservation Officer has raised some concerns that the proposal does not preserve, conserve or enhance the views, setting and appearance of the heritage assets. They also stated that they "do not consider the overall scheme, design and materials respects the age, distinctiveness, and character of the Church Green Character Area and historic landscape character; the current proposal is cumulative and transformative and would have a deleterious impact on all identified heritage assets"
- 5.23 Officers have had regard for the floodlights and the proposed Padel canopy and the impact that it has on the Conservation Area. Whilst typically floodlights would be incongruous in the Conservation Area, Officers consider that the floodlights are at a relatively modest height at 10m and as shown on the lux drawing, the lighting is to have minimal spill and is to be focused down on the courts rather than spilling into the wider conservation area. The Padel court is also 10m in height and is of an off white colour, Officers have considered that the rounded cover would typically not be seen in the Conservation Area, some limited harm is had by its appearance but it has been considered that there is sufficient shielding of the trees within the Conservation Area. The Padel court cover will be read against its immediate context of the sports and community provision and the three storey flats to the west and it is not unduly incongruous in this location.
- 5.24 In this regard and based on the information provided, the proposed works to the Coffee Shed and the surroundings are considered to result in less than substantial harm to the Witney and Cogges Conservation Area. There is no demolition or destruction to the Conservation Area or total loss of the Conservation Area and as a result the "less than substantial harm" is justified. As per paragraph 208 of the NPPF 2023, the harm to the Conservation Area should be weighed against the public benefit of the proposal. Officers consider that there are significant public benefits from the scheme as the new community hub and additional changes to the sports provision will benefit the Witney community and the surrounding villages. It has also been considered that there will be some economic benefits during the construction phase of the development which is to be around half a year long. It is considered that the public benefits of the proposed works will outweigh the less than substantial harm had to the Conservation Area.

Residential amenity

- 5.25 Given the nature of the proposed works, your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity issues such as overbearing, overlooking, and loss of light or privacy.
- 5.26 Officers have considered that the principle of the existing sport use and coffee shed has already been in place for a significant length of time and the impacts of the use are unlikely to drastically change that would warrant undue noise and disturbance. In addition, this has been reaffirmed by the specialist Environmental Health Officers. It has also been considered that whilst the floodlights are an addition to the site, they have been appropriately assessed and would not result in undue light spill that would affect neighbouring properties. Therefore there are limited concerns with the light spill disturbing neighbouring properties.
- 5.27 Officers have also considered the newly proposed community hub and covering for the Padel courts and have considered due to the separation distance and the proposed scale and size of the building and cover that it would not result in being overbearing or resulting in loss of light.

5.28 Additionally, no objections have been received from neighbours with concerns regarding neighbouring amenity in relation to these aspects. As a result, the proposed is considered acceptable.

WODC Sport and Sport England

5.29 Both Sport England and WODC Sport were consulted on the application due to the change in sports provision for the area. It was detailed by the Councils Playing Pitch Strategy that the Leys Recreation Ground is deemed to be very dated and in poor condition and the creation of the changing and shower facilities is to be welcomed. WODC Sport (Leisure and Communities) have not objected to the scheme and would support the proposal as set out. It was detailed that the proposed scheme will provide additional and improved facilities for the site, enabling more opportunities for physical activity. There were some concerns raised regarding the loss of tennis courts in this location but these concerns were to be addressed by Sport England.

5.30 Sport England were also consulted on the application and whilst initially objected to the scheme, the applicant has liaised with both the LTA and the FA to remove their objections by providing additional information in how the loss of three tennis courts was not a loss and also explaining the proposed use in more detail. The FA also had concerns regarding the changing provision but it was detailed that the current provision is substandard and that the proposed is significantly better with the potential for expansion in the future. As a result, the objections from Sport England were removed and they are in support of the regeneration of the Leys & Coffee Shed.

Highways

5.31 It is noted that when the application was submitted, it was proposed that there would be 22 parking spaces included as part of the scheme. This would have been facilitated by the removal of the Witney Town Depot. There were a significant number of objection comments from members of the public and prior to OCC Highways comments, the applicant amended the scheme to ensure that the road and parking provision is only for disabled members of the public and for staff with traffic calming measures and the gate remaining.

5.32 OCC Highways were consulted on the scheme due to the new parking provision and whether there is an impact on the resultant highway. They advised that having considered the transport statement that was submitted with the original scheme that the scheme for 22 car parking spaces would have been an unacceptable intensification of vehicular use. However, having considered the scheme as it stands today, they have raised no objections in regards to highways safety and convenience. It was stated that the shared use of the access is far from ideal but as there is a current depot use, this needed to be taken into consideration. They cannot demonstrate that the proposal as submitted would significantly intensify the vehicle use and cause such harm as to warrant a refusal of the application. It was also detailed that the proposed traffic calming should permit the easy passage of pedestrian/cycles etc. It was also considered that this proposed use of the car parking provision was suitable as the Coffee Shed is within a central town centre location which is within walking distance of other free or monitored car park that would not warrant such an intensification in this location.

5.33 On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Biodiversity

5.34 Due to the nature of The Leys and the open space that surrounds the provision of sports facilities it was appropriate to consult with the Biodiversity Officer on the scheme. A Preliminary Ecological appraisal was submitted as part of this application. It was noted that the existing buildings and trees held negligible potential for roosting bats and was therefore not considered a constraint for the proposal. It has however been considered appropriate to place an informative on the application in the case that a bat roost is found during the works.

5.35 Also as part of the PEA, it was concluded that there is a precautionary working method for nesting birds in and around the site and is to be adhered to during demolition and construction works. There are also mitigation and enhancements recommended as part of the works, but no plans were submitted and therefore a condition is required to secure the enhancements.

5.36 A Biodiversity net gain calculation has been submitted as part of the application detailing that there will be a 56% net gain however details of the landscaping design in regards to exact species to be planted have not been provided and therefore a landscaping condition has also been recommended.

5.37 The site falls within a Red impact zone for Great Crested Newts but it was considered due to the scale of the development, the overall hardstanding and the amenity grass land that it was felt that GCN are unlikely to be a constraint to the development and does not need to be considered further.

5.38 On this basis, the scheme is considered acceptable and complies with policy EH3 of the West Oxfordshire Local Plan.

Landscaping

5.39 As there are some trees to be removed as part of the proposed scheme along with some additional planting the Landscaping Officer's comments were sought. The two trees that are to be removed are Tree T19 and Tree T20 which are adjacent to the Padel Courts. The Landscape Officer has detailed that they have no concerns with the removal of the trees in this location.

5.40 There were concerns with the proposed Silver Birch Trees which are to be located along the access footpath as Witney Town Council have planted a row of oak trees along the path which are more suitable. Officers consider that a condition can be applied which would substitute the Silver Birch trees for the more suitable Oak Trees.

5.41 There were concerns regarding the new footpath between Station Lane and the new car park due to the potential impact of construction on the row of significant trees growing along the Western boundary. Officers consider that the principle of a path in this location is already in place and the proposed works will be reinstating the footpath. It has also been considered as the arboriculture survey statement indicates that there will be a "no dig" construction. Officers consider that the proposed path will provide additional access to the community hub and will have no harm to the trees on the Western boundary.

Environmental Health

- 5.42 WODC Environmental Health Team were consulted on the application due to the addition of floodlights in this location which is in close proximity to neighbouring properties along with their comments on neighbouring amenity in respect to noise. A noise report was submitted as part of this application and it was concluded that they had no reason to disagree with their conclusions but recommended that the proposed timing to finish activities should be 21:30 hours. Officers consider that as there was a similar use on the site that the noise levels would not be detrimental to neighbouring properties but understand that they would be later due to the proposed floodlights and agree that a condition should be placed for a 21:30 finish. As per Policy EH8 of the WOLP, Officers consider that the proposed development would not result in unacceptable nuisance to the occupiers of nearby land and buildings from noise or disturbance.
- 5.43 WODC Environmental Health Team also considered the application in relation to the proposed floodlights to the site. Again it has been important to consider the impact of the proposed floodlights in particularly on the neighbouring properties of Fernleigh. The supporting documents show that there will be minimal light overspill outside of the playing areas. As a result, it would mean that there would not be glare in the windows of neighbouring properties and should not be visible through drawn curtains. As a result, it would be reasonable to place a condition in such that the lighting is installed and maintained in accordance with the plans. As per Policy EH8 of the WOLP, Officers consider that the proposed development would not be unobtrusively sited and would not result in excessive levels of light. The proposed lighting would also not have a detrimental effect on local amenity and character of a settlement.
- 5.44 Officers have also considered that a condition stating "The floodlights hereby permitted shall only be illuminated when the pitch directly lit by the floodlights are in use for sports training or the playing of sport" is a reasonable condition as the site is in close proximity from neighbouring properties and would alleviate any concerns of the lights being lit when the pitches are not being used.
- 5.45 The Environmental Health Team were also consulted on the application due to the previous use of the service yard and the potential for fuels and other potentially contaminating substances have impacted the soils. It has therefore been considered that appropriately worded conditions to submit a desk study of the site considering any potentials in this location. As a result, Officers consider that the above is considered to comply with Policy EH8 of the WOLP.

Sustainability

- 5.46 A material consideration for this application is that West Oxfordshire District Council declared a climate and ecological emergency in 2019. Climate action is a leading priority in the Council Plan 2020-2024, and the framework for delivering this is set out in our Climate Change Strategy for West Oxfordshire 2021-2025. The Council are determined to lead by example and put climate considerations at the heart of all its decision-making processes, policies and plans. Officers have considered that the proposed floodlights are LED therefore it has been considered that the floodlights have a lower energy compared to others that could have been proposed. In addition there is the provision of Solar Panels on the Southern Roof slope of the proposed community building. As a result, the renewable energy source and the LED Lights have been considered to be a benefit to the scheme and help to achieve the climate goals and are therefore considered acceptable.

Other Matters

5.47 The Coffee Shed & The Leys is located within Flood Zone 1 and therefore an appropriately worded drainage condition is applicable in this location and proposed to be applied to the application.

5.48 Witney Town Council have commented in support of the application and welcome the proposal which will bring new recreational opportunities and facilities to the area. They raised concerns regarding the previous parking provision for the site, but Officers note that this has now been changed following consultee comments to reflect disabled spaces and spaces for staff members. Their updated comments once reconsulted will be updated at the committee on 8th January.

Planning Balance & Conclusion

5.49 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. Officers consider whilst there is some conflict with the NPPF and Policy EH10 in regard to the fact that the proposal would result in some less than substantial harm to the Witney and Cogges Conservation Area. It has been found that the proposal would result in significant public benefits including the health and wellbeing of the local community that would outweigh the less than substantial harm.

5.50 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of policies OS2, OS4, EH5, E5, EH3, EH7, EH8, EH9, EH10, EH11, T2 and T4 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2023.

6 CONDITIONS

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

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

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

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

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

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

4. No development shall take place until a desk study, including a site walkover, has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the

report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

5. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

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

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

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

6. The development shall be completed in accordance with the recommendations in Sections 7.2-7.4 of the consultancy report (Preliminary Ecological Appraisal, Roost Assessment and BNG Calculation, 4 Acre Ecology Limited, 29th September 2023). All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

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

7. Before development takes place, details of the provision of nesting opportunities for birds (six bird boxes, such as house sparrow terrace, starling box, swift box and small bird boxes) affixed to existing suitable trees on site, facing in north/ north eastwards direction, no lower than 3m above ground level and opportunities for invertebrates (e.g. insect hotels) shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the building, and a timetable for their provision. The approved details shall be implemented before the development hereby approved is first brought into use and thereafter permanently retained.

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

8. Within three months of the date of consent, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as species rich planting of native trees, native woodland edge meadow and native species ornamental planting) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

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

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

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

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

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

11. Prior to first use of the car parking provision to serve The Coffee Shed, the provision of traffic calming and local widening along the access road to the highway shall be in accordance with a scheme which is to be submitted and approved by the Local Planning Authority and is to be retained indefinitely herethereafter.

REASON: To ensure that the access road does not increase in additional highway safety concerns.

12. Prior to first use of the car parking provision to serve The Coffee Shed, suitable signing indicating authorised access only, shall be in accordance with a scheme which is to be submitted and approved by the Local Planning Authority and is to be retained indefinitely herethereafter.

REASON: To ensure that the access road does not increase in additional highway safety concerns.

13. All external Illuminations and floodlighting shall comply with the guidance note 01/21 from the Institution of Lighting Professionals (ILP) for The Reduction of Obtrusive Light.

REASON: In the interests of visual amenity and in accordance with Local Plan Policy EH8

14. The floodlights hereby permitted shall be switched off no later than 21:30hrs on any given day.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

15. Notwithstanding the details in the accompanying application form, the hours of opening should be limited to 07:00 - 21:30 Monday to Sunday and including bank holidays.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

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

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

INFORMATIVES :-

1. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably

experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

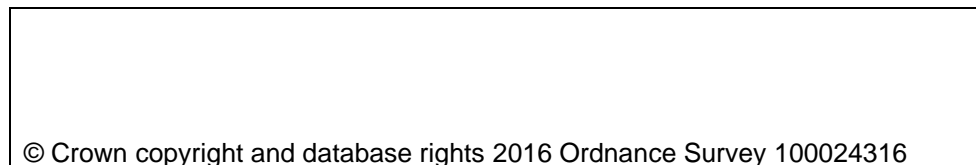
There is a low risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work (visit <https://cieem.net/i-need/finding-a-consultant/> to search a directory of professional ecological consultants and download a 'householder's guide to engaging an Ecologist' and 'what to expect from a bat survey - a guide for UK homeowners').

If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches).

Contact Officer: Eloise Street
Telephone Number:
Date: 20th December 2023

Application Number	23/02849/FUL
Site Address	Land South West Of Chapel Lane Standlake Oxfordshire
Date	20th December 2023
Officer	Esther Hill
Officer Recommendations	Refuse
Parish	Standlake Parish Council
Grid Reference	439750 E 203347 N
Committee Date	8th January 2024

Location Map



Application Details:

Erection of a dwelling with double garage, adapted vehicular entrance point and related landscaping

Applicant Details:

NPES Developments Ltd
C/o Agent

I CONSULTATIONS

District Ecologist

14.12.2023 -Comments relate to the following documents:
Ecological Impact Assessment (non-EIA), Ecology by Design, September 2023
NatureSpace certificate, NSP452WODC, 5th December 2023
Recommendation:
Hi Esther, I note that a proposed S106 agreement has been submitted with this application for the proposed wildflower meadow and drainage area outside the red line boundary. Please can you ensure that this is secured? NatureSpace have also submitted a new certificate for the proposed development with regards to great crested newts. As requested by the Newt Officer, please can you ensure that the conditions and informatives included in this certificate are included within your decision notice in verbatim?
Acceptable subject to conditions and informatives.

Newt Officer

No Comment Received.

OCC Highways

The proposal, if permitted, will not have a significant detrimental

impact (in terms of highway safety and convenience) on the adjacent highway network

Recommendation:

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

- G28 parking as plan

There is no doubt that Chapel Lane is substandard in that it is narrow and lacks adequate visibility (both vehicular and pedestrian) at the junction with the public highway. However, in order to recommend refusal of the application for reasons of highway safety and convenience it must be demonstrated the proposal, if permitted, would result in a significant intensification of use.

The previous application 22/01908/FUL sought to develop approximately 1/3rd of the area of land available with the remaining 2/3rd retaining the agricultural use thus creating an unacceptable intensification of traffic accessing Chapel Lane. My comments regarding this application were as follows-

- The traffic generation resulting from the existing agricultural use of the small field is similar to that associated with a single dwelling (movements from the agricultural use would simply be replaced by those resulting from the proposed residential use) - no intensification of use would result in a recommendation of no objection from OCC for reasons of highway safety and convenience. However, with this application, the proposed dwelling and red application area accounts for only approximately a third of the field area. The remaining two thirds could generate vehicular movements via the existing access to Chapel Lane which would result in an intensification of use of the substandard Chapel Lane and junction.

The present application 23/02849/FUL again seeks in part the development of a single dwelling, however, the use of the remaining 2/3rd of the site is shown to be drainage/wild flower meadow. Much has been written about the historical use of the site, the keeping of chickens and the manner of working the land but nevertheless the existing use is agriculture and as such has the potential to generate a similar number of movements to that associated with a single dwelling.

The area of drainage/wild flowers may or may not be maintained by others but is unlikely to require frequent access to the area.

I cannot demonstrate that the proposal ,if permitted, would result in an unacceptable level of intensification of use that would warrant the refusal of the application for reasons of highway safety and convenience in accordance with paras 110 and 111 of the NPPF.

Oxfordshire Fire and Rescue Service advise that having visited the site they do not object to the application but will require at Building Regulations stage the installation of additional fire safety equipment.

Records show no personal injury accidents on the highway adjacent to the site for the 20 year period to 13/11/2023. The purpose of PIA recording is to determine whether there is a history of accidents in proximity to the site and to investigate whether there are any patterns or contributory factors to the accident records. My attention has been drawn by local residents to 2 accidents pre Nov 2023 adjacent to the site but these do not appear on the data received from Thames Valley Police.

The application drawings show 2 car parking spaces together with a manoeuvring area in order that vehicles may enter and leave the site in a forward gear. The TRICS data on traffic generation is shown in both the Transport Statements by Glanville (on behalf of the applicant) and Godber (on behalf of objectors) .

WODC Drainage

11/12/2023-

I see there a great number of objections to this development on flooding grounds. My comments are -

I objected to the previous application, 22/01908/FUL (subsequently withdrawn), on the basis that a viable drainage strategy had not been submitted. Infiltration had not been proved to be feasible as groundwater monitoring had not taken place in March and April 2023, when rainfall was much higher than when readings were taken - groundwater flooding had been experienced adjacent to the site in April 2023. I note that the drainage strategy still only refers to the groundwater monitoring from November 2022 to February 2023, indicating an identical depth of 590mm to the water table from November to January, which I have questioned previously. Further groundwater measurements are required to be taken, with borehole logs submitted as evidence of the actual depth to the water table/there will be adequate clearance for the permeable paving. It is being disputed that the high water table on the nearby allotment site is due to perched water, but this has not been proven.

It is noted that soakage testing to BRE 365 has not been undertaken since November 2022, so further testing would be required to re-calculate the infiltration rate during wetter conditions.

I also asked for a Groundwater Management Plan, to ensure that

adjacent properties are not affected by s/w runoff during the construction phase. A request was made for it to subject to a pre-commencement condition, as it would be prepared by the groundworker who has not yet been appointed - although this could be agreed in principle, a viable drainage strategy would be required for me to remove my objection.

A bund is now proposed around the north-western and south-western site boundaries, but there are concerns about this. It is noted the meadow (at the north-western end) is at a higher elevation than the proposed building. If a large water storage area is created by the bund (and I note an adjoining retaining wall at the south-eastern end), there will be no slow release of water from the site should it flood (it has been reported that the existing field does regularly flood), so water will either infiltrate in the ground and raise the groundwater level, flowing underground to Chapel Lane, or the bund would overtop and cause flooding to adjacent properties.

Due to the above concerns, I maintain my objection to development on this site.

District Ecologist

29.11.2023- The application falls within an Amber impact risk zone for great crested newts and within 250m of a pond. I note that under the previous application for this site (22/01908/FUL) that the Nature Space District licence was applied for and a certificate submitted for that application.

As this is a new planning application, a new certificate must be submitted to the Local Planning Authority prior to any permission granted, regardless of the expiration date on the certificate for 22/01908/FUL.

This application cannot be positively determined until a new certificate is received. I also note that the Newt Officer has not been consulted on this application, therefore please could you also consult them?

Please can you re-consult once a new certificate has been submitted? If the above cannot be resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire Local Plan policy EH3, and ODPM Circular 06/2005.

Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of

Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

Conservation And Design
Officer

13.12.2023- If there are no planning issues, I can't say I have any obvious conservation objections:

-Because the proposal is only for one dwelling, the layout appears to be fine, and largely respects the historic street / building lines along Chapel Lane - it does seem to be a natural extension for development. The building would sit lightly back in its plot - similar to other buildings in the other area. And, the proposal to add a wild meadow has an advantage of bounding the site from further development, while providing biodiversity and combatting drainage issues.

-The scale, massing and amount of the building appears to be equally distributed - and incorporates a garage within the scheme (which accounts for its proposed size).

-The overall design scheme is fine, with only minor modern design elements

-The materials are largely fine, and although Zinc is not necessarily referred to in our design guidance, I do not think it is offensive.

-Although this plot has clearly been open land since at least 1875 (OS Map), I do not consider this one property harms the overall setting of the listed buildings within close proximity which are identified as Swift Cottage, I The Green and Delaware Cottage.

Environmental Health
(Operational Services)

No Comment Received.

WODC Landscape And
Forestry Officer

Provided the RPA is suitably protected during the course of construction work, there should be no adverse effects on the walnut tree.

There are no implications regarding the area TPO affecting some trees on the adjoining Woodlands housing development.

Thames Water

Waste Comments:

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

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

Water Comments:

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

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

OCC Archaeological Services

We previously advised on application 22/01908/FUL, which was an earlier proposal for this site. Our advice for the current proposals would be the same.

The application site is within an area of considerable archaeological potential. To the south west, north west and north east there are distinct and well defined cropmarks of later prehistoric and Romano British origin.

Although these are not visible within the application site it is clear from the evidence elsewhere in Standlake that this is a result of a

build up of post medieval deposits either side of the High Street which are masking the cropmarks from view. The site is also located within the area the medieval settlement and medieval building remains have been recorded ahead of development 40m south of the site.

This development therefore has the potential to impact on archaeological remains related to the prehistoric, Roman and medieval development of the settlement.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken ahead of the period of construction. This can be ensured through the attachment of a suitable negative condition

Parish Council

Standlake PC objects to this application as follows.

This is the third application for this site, the previous two having been withdrawn before coming before Lowlands Planning Committee. The developers latest application, 23/02849/FUL, still fails to address the key issues which led the WODC Planning Officer to recommend 'refusal' to the last application: namely, drainage and sewage, and transport and access.

Drainage and Sewage: the proposal to build a bund to contain surface water is disputed by the residents' professional hydrologist. It concludes that the new measures, while aimed at surface water run-off, do nothing to address the fundamental issue of high water table and water moving underground downhill towards low lying properties. Regarding sewage, the ongoing problems with sewage capacity in Standlake require that no further dwellings should be built before that problem is rectified.

Transport and Access: the new application has again failed to address the transport/ access issues raised by the WODC Planning Officer on the previous occasion, their argument that there would be a reduction in use of the Lane rather than intensification is not credible. The suggestion that a four bedroom property would result in a net reduction of 'one to two' (developer's Transport statement) trip movements per day is simply misleading. . The developer has inflated the current level of trips by, for example, referring to fictitious visits by vehicle to care for chickens which was achieved by the owner walking directly across the lane from his property. Once again, the new application does not address at all the issue of the substandard access onto the Green which was identified by the Planning officer as resulting in a significant adverse impact on highway safety.

Notwithstanding the above objections, the Parish council's original objections still stand and are listed below.

Transport, access and safety: The developers' assessment of current traffic at the site is erroneous. The original landowner used a small tractor (housed in farm building across the lane) on irregular occasions. The application will result in considerable extra traffic movements along an unadopted, unpaved, lane with already poor and

dangerous access onto The Green, which has not been addressed
Flooding, drainage & sewerage infrastructure: The problems in Standlake are well known and documented. While Thames Water have recently made improvements to the sewage system, the prevention of groundwater and run-off entering the system has not been proven. Winter flooding in the adjacent Woodlands access road is common, well documented, and impacts on properties both in Woodlands and Chapel Lane

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

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

2 REPRESENTATIONS

2.1. 113 third party objection comments received and summarised as follows (as of 18.12.2023) :

Damage to lane and buildings both sides of the entrance

Disruption during construction

Highway safety given the poor access and poor access for emergency vehicles, existing kerb distances fall short of the safety regulations.

Additional congestion especially during school pick up time

Accidents occurred in immediate area

Conflict with pedestrians/cyclists given extra vehicles.

Impact to Ecology

Additional refuse bins hindering access and poor visibility for cars

Bats

Newts

Flooding- The proposed bund would be ineffective.

High water table

Performance of Thames Water

Design not inkeeping

Impact to and damage to listed buildings

Errors in application. Data not upto date within Transport Statement and the existing and previous use has been exaggerated.

Water table measurements were only taken in the early point of 2023 are inaccurate and not a true representation, which also do not match the readings taken from the allotments independently.

Further development likely in remaining plot, no evidence provided of s106

Foul water

Loss of green space

Impact to local character

No space for turning or passing and no pedestrian path down lane

Loss of light

Overshadowing

Loss of privacy
Domestication of site and urban creep
Issues during construction
Loss of quiet, safe lane
Out of keeping with its surroundings
Impact to well being
No public benefit, provides an 'unaffordable' home
Does not improve previously withdrawn applications
Increase delivery vans
Lane is maintained by existing residents and is in a poor condition
Against local and national policy
Impact to landscape
Impact to tree within the site with TPO and the birds who roost and perch there
Stress for neighbours
Change character of area and loss of green space
Loss of hedgerow used by birds and hedgehogs
Noise and light pollution
Inappropriate materials not one house on Chapel Lane has timber cladding
Land is not domestic it is agricultural
Spoil the historic and rural nature of Chapel Lane
Impact to allotment users
Not sustainable development
Loss of amenity
Lack of reports in the application (ecology and transport)
Number of detailed objections to this application is evidence of the strength of local community feeling against this application.

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

- Hydrologist Report by Michael Green B.Eng (Hons), M.Sc, C.Eng, MCIWEM C.WEM
- Objection Letter by Rebecca Mushing of Wright Hassall
- Chapel Lane Residents Group Objection Technical Note - Highways
- Wright Hassall Objection Letter dated 6 October 2022-Errors Report
- Transport Note by D. G. Consultancy
- Letter from Thames Water regarding the ongoing use of tankers in Standlake to reduce flood risk from sewer network

2.3 13 third party support comments received and summarised as follows (as of 18.12.2023) :

Dwelling well sized
Wild meadow and will encourage much ecological diversity and natural habitat for wildlife.
Tidies up appearance of the unused land
Add value to the village by allowing new people to live here and support local amenities
Urgent need of houses
The developer seems to have done all they can to address previous issues with highways, drainage and ecology.
One further residential property will have no material impact on traffic movements.
Large portion of the site to be protected by signing section 106 thus safeguarding the site from any large scale future development.

3 APPLICANT'S CASE

- 3.1 A number of supporting documents have been submitted with the application. The applicants Planning Statement is concluded as follows:
- 3.2 *This proposal seeks to build a high-quality, family sized dwelling that is sustainable in both its property use and location. The proposal seeks to achieve a level of development which is appropriate and consistent for the locality and the plot's size.*
- 3.3 *The site is sustainably located within an established residential area. It is well served by means of transport links to local towns and is within easy reach of day-to-day amenities such as the local shop.*
- 3.4 *The scale and form of the proposed development is greatly governed by the surrounding context, site limitations and the character of the village. The massing and height of the dwelling is broadly the same, if not smaller than neighbouring properties and the surrounding context so that it would not appear dominant or visually obtrusive to neighbouring properties views.*
- 3.5 *The design of the dwelling has been carefully considered and care has been taken in the positioning of feature windows serving habitable rooms to ensure that there would be no overlooking or compromises on privacy.*
- 3.6 *The proposed planting, wild-flower meadow and the retention of existing vegetation will give the site a verdant character as well as maintaining its biodiversity on the site. Overall, the proposal therefore is deemed to have a positive impact to Chapel Lane and represents a sustainable development.*
- 3.7 *It is therefore hoped that the proposal would meet with the support of Officers.*

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point.
- 5.2 The site is a parcel of land located to the south of Chapel Lane, Standlake. The site is considered to be agricultural in nature and not currently domestic. Officers understand the site was used for small scale arable farming and chicken grazing.
- 5.3 The site itself is not subject to any landscape or heritage designations. However, two grade II listed buildings are located approximately 65m to the east of the site (Swift Cottage and I The Green). A further grade II listed building is located approximately 58m to the north east of the site (Delaware Cottage).
- 5.4 A group Tree Preservation Order (TPO ref. 141.66) is present immediately to the south (but outside) of the site on Woodlands. A Tree Preservation Order (TPO ref 141.298) is placed on the single walnut tree inside the field (but not part of the development site).
- 5.5 The site is accessed by a single track road with no footpaths. The single track road currently serves the parking areas for 7 dwellings, allotments and the field partly to be developed.
- 5.6 This application is before Members of the Lowlands Area Planning Sub-Committee as it was referred by Councillor Nicholls in relation to sewage capacity, flooding and accessibility.

Relevant Planning History

- 5.7 22/01908/FUL: Erection of a detached 4-bedroom dwelling with integral double garage and related landscaping and adapted vehicular entrance point (amended plans). Withdrawn 14.08.2023.
- 5.8 21/01060/FUL: Construction of a detached dwelling and detached double garage along with associated works. Withdrawn 24.06.2021
- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties officers are of the opinion that the key considerations of the application are:

Principle of Development;
Flood Risk;
Highways;
Design, Layout and Heritage Impacts;
Residential Amenity;
Ecology; and
Conclusion

Principle of Development

- 5.10 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

5.11 (5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

5.12 (5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

5.13 (5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.14 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.15 In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

5.16 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.17 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

National Policy/Guidance

5.18 The National Planning Policy Framework ("the 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.

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

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

The Council's housing land supply position and the implications of the NPPF

5.20 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Set against a 5-year requirement of 3,060 homes, the Council is currently able to demonstrate a 5.4-year supply and NPPF Paragraph 11)d) is therefore not engaged and the application should be determined in accordance with the development unless material considerations strongly indicate otherwise.

Development Plan

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

5.22 Standlake is identified as a 'Village' in the settlement hierarchy of the adopted West Oxfordshire Local Plan 2031. The site itself is bounded by built form on 3 sides with allotments on the fourth. As the site is more enclosed than it is not, the site is considered to be 'within' the village. As the land is agricultural, this is considered to be undeveloped land. Policy H2 states 'New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances.....on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2'.

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

Flood Risk

5.24 The site is located in flood zone 1 and as such is at the lowest risk of fluvial flooding. However, that is not the main issue for this site. A significant number of objections reference that Standlake

suffers from groundwater flooding. Those representations are evidence and cannot be ignored. Your Drainage Officer has raised objections to the development and requested further information as set out in their comments above.

- 5.25 Whilst a Drainage Strategy has been submitted there is some ambiguity in the details submitted. An objector commissioned a third party consultant who has submitted details showing groundwater levels on the adjacent allotments site in January and April 2023 of just 80mm and 30mm below ground level (bgl). However, the borehole test results in the drainage strategy submitted by the applicant for January and February 2023 state water depths of between 590 and 800mm bgl (there are no actual borehole logs included in the report). There are some clear differences here therefore. The agent has disputed that the high water table on the nearby allotment site is due to perched water, but this has not been proven.
- 5.26 Your WODC Drainage Officer has noted that soakage testing to BRE 365 has not been undertaken since November 2022, so further testing would be required to re-calculate the infiltration rate during wetter conditions.
- 5.27 As with the previously withdrawn application 22/01908/FUL, no groundwater readings were taken in March and April 2023 by the applicant on the application site when rainfall was much higher and that there was groundwater flooding adjacent to the site in April (as reported by objectors). Despite this issue being raised as part of the previous application 22/01908/FUL, the drainage strategy still only refers to the groundwater monitoring from November 2022 to February 2023, indicating an identical depth of 590mm to the water table from November to January, which has also been questioned previously. As the borehole results do not cover the March and April period, groundwater levels from the adjacent allotment site must be taken into consideration, which would mean that infiltration would not be viable and the permeable paving would be ineffective.
- 5.28 A Groundwater Management Plan was requested by your Drainage Officer as part of previously withdrawn application 22/01908/FUL, to ensure that adjacent properties are not affected by s/w runoff during the construction phase. The agent has made a request for this to be subject to a pre-commencement condition, as it would be prepared by the groundworker who has not yet been appointed - although this could be agreed in principle, a viable drainage strategy would first need to be provided.
- 5.29 In an attempt to overcome some of the drainage concerns raised as part of previously withdrawn application 22/01908/FUL a bund is now proposed around the north-western and south-western site boundaries. However, your WODC Drainage Officer has concerns with this proposal. It is noted the meadow (at the north-western end) is at a higher elevation than the proposed building. If a large water storage area is created by the bund (and the proposed adjoining retaining wall at the south-eastern end), there will be no slow release of water from the site should it flood (it has been reported that the existing field does regularly flood), so water will either infiltrate in the ground and raise the groundwater level, flowing underground to Chapel Lane, or the bund would overtop and cause flooding to adjacent properties.
- 5.30 A significant number of objections received from third party representatives related to Thames Water and the lack of capacity in the village sewer network.
- 5.31 Thames Water commented stating "With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water

we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 and 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required'. A viable drainage strategy has not been demonstrated and it is not clear whether infiltration is possible at this site thus, surface water must be directed to the existing sewers, which objectors state cannot cope. Thames Water however note that *'The developer should liaise with the LLFA (drainage team) to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding'*.

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

Highways

5.33 OCC Highways have been consulted on this application, they advise *there is no doubt that Chapel Lane is substandard in that it is narrow and lacks adequate visibility (both vehicular and pedestrian) at the junction with the public highway. However, in order to recommend refusal of the application for reasons of highway safety and convenience it must be demonstrated the proposal, if permitted, would result in a significant intensification of use.*

5.34 The site currently agricultural in nature has two access gates onto Chapel Lane. The previously withdrawn application 22/01908/FUL only accounted for a third of the field and the remaining two thirds would have retained an agricultural use. The proposed dwelling together with the agricultural use of the remaining two thirds of the field, would have generated an intensification of vehicular movements via the existing substandard access to Chapel Lane and therefore the OCC specialist officer raised the following objection to the scheme;

- *The traffic generation resulting from the existing agricultural use of the small field is similar to that associated with a single dwelling (movements from the agricultural use would simply be replaced by those resulting from the proposed residential use) - no intensification of use would result in a recommendation of no objection from OCC for reasons of highway safety and convenience. However, with this application, the proposed dwelling and red application area accounts for only approximately a third of the field area. The remaining two thirds could generate vehicular movements via the existing access to Chapel Lane which would result in an intensification of use of the substandard Chapel Lane and junction.*

5.35 In an attempt to overcome the highway concerns and the concerns raised by neighbours, the proposed dwelling and red application site area now accounts for the whole of the field area. Whilst the proposed dwelling and its associated residential curtilage accounts for only a third of the field, the remaining two thirds of the field are to be used as a wildflower meadow and drainage field. The applicants have submitted a draft legal agreement to secure the use of the site. The wording of that agreement is as follows:

The Owner covenant with the Council that the Property shall be used as one residential property with an adjoining field/paddock and that the field shall be used exclusively by the occupier of the said residential property as a "wild meadow and drainage field" as per approved the Site Plan and for no other purpose.

5.36 It is the applicants aim that with the proposed changes to the site and the legal agreement securing the use, that the use of the substandard access would now be no different to that of the existing agricultural use.

5.37 There is some debate around how many movements would result from the new dwelling above the baseline, and of note is that the existing access is used by the occupiers of 7 dwellings to park, along with users of the allotments. The OCC specialist officer states;
*Much has been written about the historical use of the site, the keeping of chickens and the manner of working the land but nevertheless the existing use is agriculture and as such has the potential to generate a similar number of movements to that associated with a single dwelling.
The area of drainage/wild flowers may or may not be maintained by others but is unlikely to require frequent access to the area.
I cannot demonstrate that the proposal ,if permitted, would result in an unacceptable level of intensification of use that would warrant the refusal of the application for reasons of highway safety and convenience in accordance with paras 110 and 111 of the NPPF.*

5.38 A number of third party representations raised concerns with the width of Chapel Lane stating that it falls below the minimum width for emergency vehicle access. The OCC specialist officer consulted with Oxfordshire Fire and Rescue Service, who advise that having visited the site they do not object to the application but will require at Building Regulations stage the installation of additional fire safety equipment.

5.39 Third party representations also raised concerns with the number of accidents which have recently occurred at the Chapel Lane junction and disputed the amount of traffic which would be generated from the proposed development. The OCC specialist has responded with the following comments;

Records show no personal injury accidents on the highway adjacent to the site for the 20 year period to 13/11/2023. The purpose of PIA recording is to determine whether there is a history of accidents in proximity to the site and to investigate whether there are any patterns or contributory factors to the accident records. My attention has been drawn by local residents to 2 accidents pre Nov 2023 adjacent to the site but these do not appear on the data received from Thames Valley Police.

The application drawings show 2 car parking spaces together with a manoeuvring area in order that vehicles may enter and leave the site in a forward gear. The TRICS data on traffic generation is shown in both the Transport Statements by Glanville (on behalf of the applicant) and Godber (on behalf of objectors).

5.40 For the reasons stated above the OCC Highways specialist has raised no objection to the development in terms of highway safety and convenience, subject to a condition stating the parking areas must be built in accordance with the details provided. The proposal is therefore considered to comply with Policies OS2 and T4 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

Design, Layout and Heritage Impacts

5.41 The application site is within close proximity to a number of Grade II listed buildings. 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.

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

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

5.44 Historic OS maps from 1875-1899 show the site to be clearly separated from the land parcels associated with the listed buildings Swift Cottage, 1 The Green and Delaware Cottage. As such, there does not appear to be any physical link between the site and the listed buildings. Indeed, currently, the site is separated from Delaware Cottage by Chapel Lane itself. Also, the erection of Southwold between the site and Swift Cottage/1 The Green has introduced built form between the site and the listed buildings. Officers are unaware of any historic links between the site and the listed buildings. The site therefore does not form part of the significance of the listed buildings owing to its lack of physical and historic links. Officers note the agricultural character of the site however; this offers little toward the setting of the listed buildings. Your Listed Building and Conservation Officer has been consulted on this application and has raised no objections.

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

5.46 In terms of the dwelling itself, it is detached and 1.5 storey in a broad 'Z' shape. The front projection includes a double garage with accommodation above and is set below the ridge line of the main bulk. Dormers within the roof slope and the set into the eaves are included. In terms of materials, these are standing seam zinc clad dormers, blue/ grey slate roof, wooden balcony to master bedroom, Cotswold stone and vertical timber cladding elevations, standing seam zinc clad feature window surround and ashlar stone capping to chimney. These are high quality traditional

materials. While some of the design features (dormers, zinc clad feature window surround) are modern, the overall appearance is quite restrained and traditional in nature with some modern elements.

- 5.47 With regard to landscape impact, the development will involve the loss of some green space. However, the land is privately owned and has no special designation. As such, it is not available for use by the public, nor is it considered to be of any particular merit to warrant designation. While it does soften the area, it is only viewed from select viewpoints and is not viewed from any main routes though Standlake nor nearby Public Rights of Way. Furthermore, many representations have stated the difficulty using Chapel Lane and its access, which no doubt reduces the numbers of those travelling in the immediate area. As such, while the loss of some green space will occur, this is not considered to be harmful. Particularly as only approximately one third of the field is proposed to be developed and the remaining two thirds are to be wildflower meadow.
- 5.48 Several objections note the historic nature of the area. Officers agree that some dwellings in the area are historic; however, Riversfield (directly to the north of the site) and the 23 dwellings associated with Woodlands to the south have been erected in the last 50 years. The immediate area therefore is not overtly historic. In that regard, the introduction of a new dwelling is not considered to be harmful to the character and appearance of the area.
- 5.49 Several objections also raised concerns that vehicles accessing the new dwelling (occupiers and deliveries) could damage the grade II listed Swift Cottage owing to the height of the thatched roof and proximity to the access. As the OCC specialist officer has concluded, it cannot be demonstrated that a single dwelling would generate additional vehicular movement when compared to an agricultural use. With no change to the baseline of movements on the access, which is already used by 7 dwellings and an allotments, officers do not consider that the development would result in an unacceptable risk of damage to Swift Cottage.
- 5.50 Officers are satisfied that the siting of the dwelling would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the building integrates successfully into the site and its surroundings and would not be harmful to the character and appearance of the area or nearby listed buildings. The proposed development accords with Local Plan Policies EH2, OS2, OS4, EH9, and EH11, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF in that regard.

Residential Amenity

- 5.51 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.
- 5.52 Acceptable window to window distances are a minimum of 22m. None of the proposed windows on the dwelling are below the 22m separation distance to nearby dwellings and no first floor windows face into the nearest neighbour Southwold. As such, overlooking and loss of privacy impacts are unlikely.
- 5.53 The dwelling is 1.5 storey and located 12m to the north west of Southwold at its nearest point. As the sun shines from the south and travels east to west, the new dwelling will not block any light reaching Southwold for the bulk of the day. However, there would be a very modest impact

to the side elevation windows of Southwold on summer evenings. When considering the separation distances between the dwelling and other properties in the area, the new dwelling will not block any light to any other dwellings. Furthermore, owing to its size and siting, overbearing or overshadowing impacts are also unlikely.

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

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

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

Ecology

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

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

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

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

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

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

Conclusion

5.63 It has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted

West Oxfordshire Local Plan 2031 and section 14 of the NPPF. As such, your officers are recommending the refusal of this application.

6 REASONS FOR REFUSAL

- I. It has not been demonstrated that the proposed development would not result in unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. Consequently, the proposal is considered to be contrary to policies EH7 and OS2 of the adopted West Oxfordshire Local Plan 2031 and section 14 of the NPPF.

Contact Officer: Esther Hill

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Date: 20th December 2023