

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 17th March 2025

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.

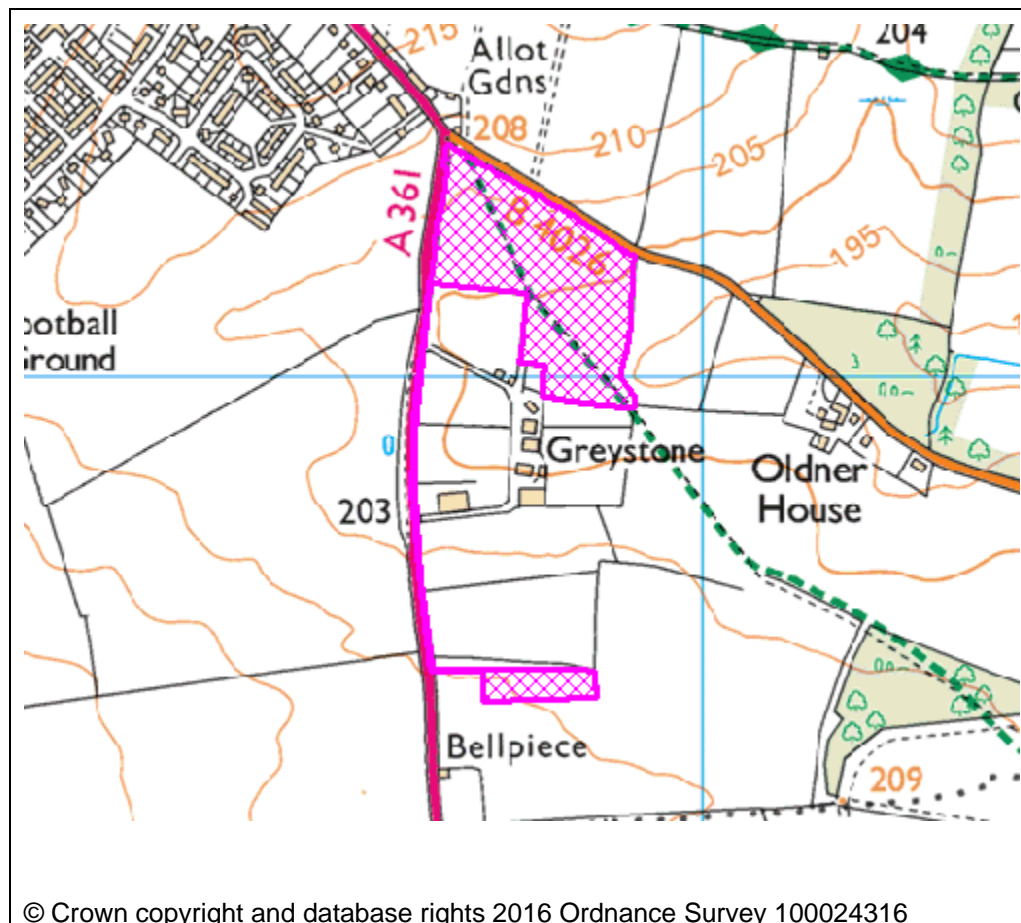
Please note that:

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
	24/00769/OUT	Land South Of Charlbury Road	Mike Cassidy
	24/01177/FUL	Land East Of Wroslyn Road	Stephanie Eldridge
	24/03161/HHD	3 Manor Road Bladon	Nathan Harris

Application Number	24/00769/OUT
Site Address	Land South Of Charlbury Road Chipping Norton Oxfordshire
Date	5th March 2025
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Parish Council
Grid Reference	431794 E 226121 N
Committee Date	17th March 2025

Location Map



Application Details:

Outline planning application, with all matters reserved other than principal means of access to the highway, for the construction of up to 104 residential dwellings, together with the provision of open space, landscaping and associated infrastructure.

Applicant Details:

Mr Robert Phillips

C/o Agent

I CONSULTATIONS

Adjacent Parish Council	Enstone Parish Council objects to this development. Highways need to look at how traffic will access the A44 from this development. The Lidstone Road was designed as a single track road to Enstone and is getting more and more traffic and more and more dangerous due to the increase in housing on the Burford road and businesses in Chadlington and Kingham area. Google and Waze direct you on the Lidstone road rather than through the Town centre.
Env Health Noise And Amenity	<p>I have read through the response received regarding noise and I am satisfied with the response in relation to the Lmax and the ASHP. However, I still maintain that noise levels should be achieved with windows open and residents should not have to close windows to meet an acceptable noise level and therefore the principals of good acoustic design should utilised to ensure that the levels can be achieved without the need for residents to close windows.</p> <p>Following the agents reply and the list of businesses in the commercial area they detail a rifle and pistol shooting range. I would therefore ask if this is an operational site (it appears to be from the website) and if so why it has not been included in the Noise Impact Assessment. If it is an operational site or has the potential to be in future then would like more information on the extent to which this club operates and the potential noise impacts it would have on the proposed new housing. I would also raise the question of safety as the shooting site lies along the boundary of the site.</p>
District Ecologist	No Comment Received.
Conservation And Design Officer	No Comment Received.
Historic England	No Comment Received.
Parish Council	Chipping Norton Town Council would like to preface their objection by noting that it has always been supportive of the right housing in the right place for Chipping Norton but have concerns with this application and its context in light of other recent housing developments in town. Councillors believe that the housing allocation can be met from land already allocated to housing within the strategic plan. The Town Council notes that this application is outside the strategic plan and on non-allocated land, on the edge of the Cotswolds Area of Outstanding Natural Beauty. The position at the edge of town creates a vista leading to open natural landscapes from Burford Road out of the town, which Councillors would like to

preserve. Councillors also have concerns over the planned roads and infrastructure within the site. The proposed road layout clashes with the indicative road layout for the strategic development area site of East Chipping Norton 'Tank Farm' to the north of the site. Councillors noted that there needs to be better provision for pedestrians and cyclists into Chipping Norton, including the consideration for junctions and coordinating with the existing road layout. In particular, the provision for a pedestrian exit from the estate onto Charlbury Road has poor sightlines. The existing right-of-way has been preserved within the estate, but a walker would need to cross four roads to continue on the footpath. Finally, should the application be approved Councillors would request that Grampian conditions are imposed on the site to ensure that sewage and infrastructure upgrades are in place prior to the rest of the development going ahead.

02.08.2024 - Extra information comments:

Objection - Chipping Norton Town Council thanked Nexus Planning for their thorough response letter, but maintains its original objection to the planning application for several reasons:

- The application is on un-allocated land that is not within the strategic development area for Chipping Norton. The Town Council appreciates Nexus Planning's response noting that planning for the SDA has been paused during findings regarding the Scheduled Ancient Monument. However, they strongly believe that small piecemeal developments are detrimental to the development of the town and that this highlights a need for a strategic plan.
- Consultee responses have been received and raise the following concerns which have not yet been resolved:

- ERS Pollution: Noted that the Chipping Norton Rifle and Pistol Club which is beside the site was not included in the Noise Impact Assessment. The ERS officer noted that the proximity to the Club may pose a safety concern which has not been addressed. The Lmax noise levels for the site have also been calculated with closed windows which is contrary to the principles of good acoustic design.

- Historic England and WODC's Conservation Officer highlight the significance of setting regarding the adjacent Scheduled Ancient Monument. Gleeson Land/Nexus Planning have stated that there will be minimal harm to the visual setting and impact to the site setting but have not provided photomontage or wireline outlines to provide "more robust visualization of the proposed development in relation to the designated asset."

- The Environment Agency raised concerns that Chipping Norton Sewage Treatment Works "is discharging very close to its permitted dry weather flow and does not have the required capacity to accommodate additional flows from this development. We believe that allowing this development before any increases to treatment capacity may result in Thames water exceeding its permitted limit,

resulting in deterioration of receiving waterbody."

- OCC Transport Schedule has raised an objection due to the failure of adequate provision for non-car modes of travel, inadequate proposed means of access to the site, inadequate proposed alterations to the A361 Burford Road/B4026 Charlbury Road junction, and insufficient information to calculate transportation and traffic implications for the site.

- OCC Archaeology has raised an objection due to the external contractor's report not being agreed with Oxfordshire County Archaeological Service contrary to their report. The report raises a number of points that need to be addressed.

- The Chair of Enstone Parish Council has contacted Chipping Norton Town Council to raise concerns about the impact of increased traffic on Lidstone Track, which is a single-track road less than 4m wide (Lidstone Road between the B4026 and Neat Enstone).

Additionally, the Town Council acknowledged the proposal to contribute a financial contribution for off-site allotments, but the Town Council would like to confirm that it would seek on-site provision for any allotments. As it stands, there is currently a waiting list for allotments on Burford Road (William Fowler Allotments) and should the proposed development for 104 dwellings be approved, the financial contribution would not alleviate the lack of physical space required on site to respond to the increased demand for allotment plots. The Town Council requests that any required allotment space is provided within the site should the development be approved.

Env Health Contamination

The Geo-Environmental Site-Investigation report has been updated and the results of the additional ground gas monitoring have been added. In general the conclusions made in the report are supported. A condition is recommended to prevent pollution of the environment in the interests of the amenity.

Historic England

Historic England does not object to the application on heritage grounds. We also note that a Setting Assessment has been provided, although this study would benefit from the inclusion of photomontages and a more robust visualisation of the proposed development in relation to the designated asset. We therefore consider that the requirements of NPPF paragraph numbers 200 & 201 have been partly met.

We recommend that your authority weighs the level of harm against the public benefits of the proposal, in accordance with paragraphs 206, 207 & 208 of the NPPF.

In this respect, further consideration could be given to the implementation of heritage benefits as part of the balancing process. This may include a scheme of heritage interpretation, to be installed within the Site and/or adjacent footpaths, to enhance public awareness and understanding of the archaeological remains within the heritage asset, and how they relate to the wider historic landscape setting.

Major Planning Applications
Team

Transport: No objection subject to conditions relating to means of access, visibility splays, Construction Traffic Management Plan, off-site highway works, parking, refuse vehicles turning, Travel Plan, Travel Information Pack and public footpath crossing works and associated construction safety provision as suggested being attached to any permission granted and a s106 legal agreement being entered into securing a Public Transport Service Contribution (£137,904), Public Rights of Way Contribution (£40,000) and Travel Plan Monitoring Fee (£1,985).

Lead Local Flood Authority: No objection subject to conditions relating to flooding and drainage as suggested being attached to any permission granted.

Education: No objection subject to a s106 legal agreement being entered into securing a Special Education Contribution (£53,845).

Archaeology: No objection. An archaeological evaluation has been carried out on the site during the pre-determination stage, and the approved report has now been submitted. No significant archaeological remains were recorded, and so, there are no further archaeological constraints to this scheme.

Waste Management: No objection subject to a s106 legal agreement being entered into securing a Household Waste Recycling Centre Contribution (£10,596).

Major Planning Applications
Team

OCC Transport - Recommendation:

Objection for the following reasons:

- The proposed development fails to make adequate provision to allow accessibility to the site by non-car modes of travel. The development is therefore likely to be heavily reliant on the use of the private car. The development is contrary to the aims of Oxfordshire's LTCP and the National Planning Policy Framework.
- The proposed means of access to the site is inadequate by reasons of its alignment to serve the proposed development with safety and convenience. The development is contrary to the aims of Oxfordshire's LTCP and the National Planning Policy Framework.
- The proposed alterations to the A361 Burford Road/ B4026 Charlbury Road junction are inadequate by reasons of their alignment to accommodate all sized vehicles with safety and convenience, contrary to the aims of Oxfordshire's LTCP and the National Planning Policy Framework.
- Insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. From the information submitted, it is considered that the additional traffic likely to be generated by the proposal would adversely affect the safety and flow of users of the existing distributor road network and

have an unacceptable impact on the Air Quality Management Area, contrary to the aims of Oxfordshire's LTCP and the National Planning Policy Framework.

LLFA - No objection subject to conditions.

Education - No objection subject to S106 contributions.

Waste Management - No objection subject to S106 contribution.

Oxfordshire Fire and Rescue Service - From reviewing the proposal details it is advised where required, works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations.

ERS Air Quality

Further information required.

Env Health Contamination

The site investigation report mentions that a further 3No. gas monitoring visits are scheduled to make the required number of visits in line with the guidance in CIRIA C665 and that on completion of these visits, the gas risk assessment will be updated.

Would it be possible to ask the applicant if these have now been completed and reported?

Depending on the results of the additional ground gas testing conditions may be appropriate to add to any grant of permission.

District Ecologist

Biodiversity Officer - Further information is needed to assess the potential biodiversity implications:

Newt Officer - I am satisfied that if this development were to go ahead it would be unlikely to have an impact on great crested newts or their habitats. Despite its size, there is a lack of ponds within 500m (other than the dry one identified) and of suitable habitat so it is very unlikely that newts will be present.

Env Health Noise And Amenity

Overall, there are areas that raise concerns in terms of noise and further information and assessment may be needed to clarify and satisfy us that the criteria can be met.

WODC - Arts

Request an allocation of £13,104 to develop temporary public art activity on and off site to foster connectivity for and with residents post occupation.

WODC - Sports

The Council seeks to secure, by way of planning obligations off site contributions for:
a. Outdoor pitch provision £205,734.98 towards improvements and maintenance of pitches in the catchment area.

- b. Artificial pitch provision £7,406 towards the cost of a replacement or improvement to artificial pitches in the catchment area
- c. Sport Hall provision of £53,624 toward the cost of a replacement or improvement to Sports Halls in the catchment area
- d. Swimming pool provision of £59,260 towards the cost of a replacement or improvement to pools in the catchment area

Environment Agency

We recommend a pre-commencement condition to ensure that all necessary improvements to Chipping Norton STW are made to protect the receiving environment.

Thames Water

No objection to foul water drainage subject to a condition to ensure that any foul water network upgrades required to accommodate the additional flows from the development have been completed. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Thames Water are currently working with the developer of application 24/00769/OUT to identify and deliver the off site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 50 dwellings but beyond that upgrades to the water network will be required. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection.

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Conservation And Design Officer

No Comment Received.

WODC Tree Officer

No Comment Received.

Wildlife Trust

No Comment Received.

Cotswolds Conservation Board

Having reviewed the application, the Board does not object to the application. The Board considers that the proposed development would not adversely impact the landscape and scenic beauty of the National Landscape, subject to the proposed landscape mitigation and biodiversity enhancements being secured and delivered and would comply with West Oxfordshire Local Plan policies EH1 and EH2 (in

respect of the National Landscape and its setting) as well as the requirement at paragraph 182 of the National Planning Policy Framework that development within the setting of AONBs "should be sensitively located and designed to avoid and minimise adverse impacts".

WODC Housing Enabler

The site is within the medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The Planning Statement proposes providing 40% of the dwellings as affordable Housing and the Design/Access Statement shows a policy compliant indicative mix.

WODC Planning Policy Manager

In conclusion, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the 'tilted balance' is engaged, and any adverse impacts of the scheme should significantly and demonstrably outweigh the benefits. However, the Council's five-year housing land supply position statement is in the process of being updated and therefore further clarity will be provided on this situation in the near future.

In terms of the adverse impacts of the scheme, the key impacts appear to be on the landscape, the potential implications of increased traffic levels in the centre of Chipping Norton and the accessibility of the site from key services and facilities within the town. In addition, if this site were to be developed, it would introduce development within this triangular section of land to the south of Charlbury Road and further development would then become very difficult to resist as there are no natural boundaries which would limit the future spread.

The District Council is in the process of reviewing the Local Plan and it would be more appropriate to consider potential development in this location in a more holistic manner, taking account of updated housing need evidence and adjoining land uses. This would allow development to be considered more comprehensively with any linkages between the broader area and local facilities able to be properly assessed and planned. This would also allow the cumulative impacts of development on traffic movements travelling through Chipping Norton to be properly assessed so that the necessary infrastructure can be provided to support growth of the town.

Designing Out Crime Officer

I do not object to this application at outline stage, and provide some informative comments on documents provided for the applicants' consideration when preparing future planning applications.

Oxford Clinical Commissioning Group NHS

No Comment Received.

Climate

No Comment Received.

Historic England	The proposed development lies within the setting of a designated archaeological site of considerable significance: Romano-British rural settlement and Iron Age remains, on the eastern edge of Chipping Norton (List no. 1486619). A robust assessment of the impact on the setting of the designated heritage asset is therefore required, and measures secured to mitigate harm, including the provision of a substantial buffer area, particularly around the north-eastern and eastern boundary of the development site. Heritage benefits should also be secured to balance the identified level of harm.
Southern Gas Networks PLC	No Comment Received.
Env Health Air Quality	No objection subject to S106 contribution towards air quality mitigation measures.
OCC Archaeological Services	The site lies in an area of archaeological interest and potential, south of the newly Scheduled Roman settlement remains east of Chipping Norton. An archaeological evaluation has been carried out on the site during the pre-determination stage, and the approved report has now been submitted. No significant archaeological remains were recorded, and so, there are no further archaeological constraints to this scheme.

2 REPRESENTATIONS

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

2.2 119 letters have been received objecting to the application on the following grounds:

- Existing infrastructure inadequate to cope with new development
- Flood risk
- Harmful impact on wildlife
- Possible impact on scheduled monument
- Traffic
- Highway/pedestrian safety concerns
- Air/Water Pollution
- Urban sprawl on green space
- Unallocated site
- Loss of amenity - noise, light pollution, traffic
- Loss of agricultural land
- WODC has adequate provision for housing on other designated areas
- Misleading information relating to sustainability and accessibility. The proposed development is not properly accessible and sustainable
- Will exacerbate parking problems in the town
- Harm to local character
- Wrong location
- Likely increase in crime
- Harmful impact on SSSI
- Lack of sustainable public transport connections/safe cycling and pedestrian routes

- Loss of countryside amenity which would have a detrimental impact on the mental health of local residents

2.3 I letter of support:

- New homes needed

2.4 Transition Chipping Norton:

Objection to the proposal for the following reasons:

- The loss of countryside amenity which would have a detrimental impact on the mental health of local residents. The development would also have an impact on visitors to the Scheduled Monument site and SSSI sites directly up the hill.
- The impact of pollution; in particular, surface run-off to the River Glyme at its source.
- The lack of suitable public transport connections: The site is not well-connected to public transport services, and Chipping Norton does not have its own railway station. Siting more housing here would cause more private car journeys along nearby roads creating an increase in traffic.
- The lack of safe cycling and pedestrian routes from the site to the town centre and beyond resulting in further traffic and parking difficulties in the town centre increasing levels of pollution.
- There are no services being proposed within the site, and no jobs created, leading to all future residents having to travel to access all services and places of work and education.
- Lack of adequate sewerage infrastructure with existing concerns regarding the current rates of discharge into local water courses made worse.
- Loss of a greenfield site, in particular food producing land, which will permanently increase the level of food insecurity for future generations.

If the development were to go ahead, conditions relating to play areas; SUDS; pedestrian and cycle way infrastructure improvements; rainwater capture; and zero carbon to maximise sustainability should be attached to any permission granted.

2.5 Evenlodge Catchment Partnership

Objection to the proposal until such time as necessary upgrades to the Chipping Norton Sewage Treatment Work (STW), owned by Thames Water Utilities Limited (TWUL), are undertaken to deal legally with the increased sewage and extra foul water which will be generated by the proposed development.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

The Site is clearly an edge of settlement location, being immediately adjacent to the built-up area of Chipping Norton. Furthermore, the Local Plan Review confirms that Policy CNI in relation to the delivery of the Strategic Development Area at East Chipping Norton remains up to date. The implication of this is that there is Council acceptance of the need to provide a significant level of housing in Chipping Norton, even if the delivery of the SDA has stalled. The need for housing in Chipping Norton has also been demonstrated by the Local Housing needs Assessment which accompanies this planning application. As such, and in the absence of the SDA coming forward, it is essential that alternative sites, such as Land East of Burford Road, which are in accordance with the Development Plan, are delivered in order to meet the housing needs of Chipping Norton. The principle of development at this Site should therefore be considered acceptable.

Furthermore, as a result of the Local Plan Review, the Council has subsequently reviewed its local housing need to be based on the Government's standard method and, crucially, also removing the housing provision made to address Oxford's City's unmet housing needs. The Housing Land Supply Position Statement 2023 for the period 2023 to 2028 states that the Council considers it now has a housing land supply of 5.4 years, where previously, based on the Local Plan Policy H1, supply was less than 3 years. However, our own assessment of housing land supply using the standard method to calculate local housing need and based on the housing supply stated in the Council's Position Statement 2023, suggests that the Council's supply still remains below 5 years at 4.29 years.

In addition to the general provision of housing, the Proposed Development would provide a significant affordable housing contribution, the need for which is acute in Chipping Norton, particularly so in the absence of anticipated affordable housing delivery from the Easy Chipping Norton SDA. The illustrative masterplan for the Proposed Development demonstrates that a mix of size and type of properties, including custom and self-build housing, to meet a range of needs, can be acceptably provided within a high-quality scheme that complements the existing character of Chipping Norton and provides an appropriate design response to its edge-of-settlement location.

The Applicant is committed to delivering and bettering sustainability and carbon reduction measures set in Local Plan policy, including highly energy efficient dwellings, adopting a fabric first approach with specifications above current Building Regulations for insulation detailing, and employing a combination of highly efficient fixtures, fittings and rainwater harvesting to reduce domestic water use to well below Building Regulation standards. Furthermore, the Proposed Development is compliant with the relevant ecological policies and will provide a biodiversity net gain of 20%, a significant betterment on policy and statutory requirements.

In addition to the above, it has been demonstrated that the proposals are acceptable with respect to transport, access and parking, landscape and visual impact, flood risk and drainage (including the Sequential Test), and the natural and historic environments.

In view of the above compliance with the Development Plan as a whole has been established and it should therefore be concluded that the Proposed Development should be allowed.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH11 Listed Buildings
EH13 Historic landscape character
CN2 Chipping Norton sub-area Strategy
CHIPNP Chipping Norton Neighbourhood Plan
NPPF 2024

NATDES National Design Guide

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 proposal is an outline planning application, with all matters reserved apart from the principal means of access to the highway, for the construction of up to 104 residential dwellings, together with the provision of open space, landscaping, and associated infrastructure. The proposal represents development requiring an Environmental Statement (ES) and this has been provided, with supporting information and documentation.
- 5.2 The site comprises undeveloped agricultural land located to the southeast of Chipping Norton, east of Burford Road and south of the B4026. In addition to a small number of residential properties along Burford Road and Over Norton Road, the site is bordered by sporting clubs to the south, farmland to the east, an allotment site to the north, and the recently completed Cotswold Gate development to the west. Trees, hedgerows, and scrub vegetation demarcate the site's boundaries. The site measures 6 hectares in area. The land falls gently from the north-western corner to the south-eastern corner.
- 5.3 The site does not fall within the Cotswold Area of Outstanding Natural Beauty (AONB), but it does lie immediately to the west of the site. A Public right of way (166/2/10) runs diagonally across the site from Charlbury Road to the southeastern corner. The site is in proximity to a number of Sites of Special Scientific Interest (SSSIs), with the closest being Glyme Valley SSSI located approximately 0.6km to the east and consequently falls within an Impact Risk Zone (IRZ) with regards to this designation. The Site is also adjacent to a Conservation Target Area (CTA), as identified within the Local Plan.

Relevant Planning History

- 5.4 Pre-application advice (23/02136/PREAPP) was provided in October 2023 for a similar form of development for up to 104 dwellings.
- 5.5 A Screening opinion (23/02606/SCREEN) was issued in November 2023 advising that the development was EIA development, and a screening direction issued by the Secretary of State in January 2024 confirmed that the proposed development was EIA development. A Scoping opinion (24/00217/SCOPE) was provided in February 2024.

Amendments during the course of the application

5.6 During the course of the application, the following additional information and amendments have been received:

- Revised Archaeological Evaluation Assessment to address request for further information from OCC Archaeological Services.
- Updated Geo Environmental Report providing the results of gas monitoring undertaken as requested by WODC Environmental Health Contamination.
- Addendum Air Quality submission addressing the request for further detail from WODC Environmental Health Air Quality.
- Additional Heritage Setting Assessment (including photomontages) addressing the heritage and landscape setting concerns originally raised by Historic England and WODC Conservation and Design in relation to the nearby Scheduled Monument.
- Additional Ecology Submission and revised BNG Metric addressing points raised by WODC Biodiversity.
- Updated Landscape and Visual Impact Assessment (including revised illustrative Landscape Strategy) addressing the heritage and landscape setting concerns originally raised by Historic England and WODC Conservation and Design.
- Revised Parameter Plan (Drawing Ref. 1339.03A) incorporating an external noise barrier mitigation measures to address concerns raised by WODC Environmental Health Noise.
- Revised Illustrative Masterplan (Drawing Ref. 1339.02B) incorporating an external noise mitigation barrier and allotment space (approximately 630sqm) within the site to address concerns raised by WODC Environmental Health Noise and The Town Council.
- Additional Flood Risk and Drainage Note confirming that the proposed noise barrier would not result in any flood risk/drainage impacts.
- Additional Arboricultural Note confirming that the proposed noise barrier would not result in any landscape or arboricultural impacts.
- Supplemental Transport Note addressing issues raised by OCC Highways, including a revised Site Access Plan (Drawing ITB19104-GA-001 Rev F) which incorporates the extension of the 20mph speed limit along both Charlbury Road and Burford Road, and proposals for enhanced walking and cycling connectivity.
- Additional Rifle Club Noise Impact Assessment and Noise Response Summary Note in response to concerns raised by WODC Environmental Health Noise providing an assessment of the potential noise impact from the Club; proposing internal and external noise reduction measures to help mitigate any undue impact; and setting out all practicable measures that have been taken to reduce shooting noise levels within gardens to a minimum, in line with relevant planning guidance.

5.7 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
- Affordable Housing/Housing Mix
- Layout, Design and Scale
- Impact on Landscape/Setting of Cotswolds National Landscape (AONB)
- Impact on Heritage Assets
- Highway Impact and Pedestrian Accessibility
- Residential Amenity/Noise/Air Quality
- Flood Risk/Drainage/Water Supply
- Trees/Biodiversity

- Sustainability/Climate Change
- SI06 Contributions

5.8 Each of the above considerations are fully considered in the following sections of this report.

Principle of development

Development Plan

- 5.9 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, as far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.10 Policy OS2 of the Local Plan sets out the overall strategy on the location of development for the District. It adopts a 'hierarchical' approach, with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out Policy OS2.
- 5.11 The Chipping Norton sub-area is based on an indicative distribution of 2,047 homes. The plan envisages that these will be delivered through a combination of homes already completed, existing commitments, windfall development and a single strategic mixed-use allocation - the East Chipping Norton Strategic Development Area (SDA) which is allocated for 1,200 homes and 5 hectares of business land.
- 5.12 In this respect it is relevant to note that although two parts of the SDA have already come forward and been completed (173 units in total), delivery of the remaining 1,027 homes has been delayed for a number of reasons including the discovery of significant archaeological remains in the southeast corner of the site. As such, at the present time, a large proportion of the 2,047 dwelling indicative requirement for the sub-area is yet to be delivered. This is a material consideration in terms of the application of Policy H2 of the Local Plan in particular.
- 5.13 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:
- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
 - On previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
 - On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2;
 - On undeveloped land adjoining the built-up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

- 5.14 The application site comprises undeveloped land which adjoins the built-up area where Policy H2, as detailed above, requires that convincing evidence is needed to demonstrate that the development is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and accords with other policies of the Local Plan, in particular the general principles in Policy OS2. The issue of housing need is dealt with in detail below. In terms of the second point regarding the distribution of housing, as outlined above, the Chipping Norton sub-area is based on an indicative distribution of 2,047 dwellings. However, 1,200 of those are anticipated from a single site - the East Chipping Norton SDA - which although completed in part, has been delayed for a number of reasons.
- 5.15 As such, it is reasonable to assert that the provision of up to 104 dwellings on the edge of Chipping Norton would be in accordance with the distribution of housing set out in Policy H1, particularly as the indicative 2,047 figure is not a 'ceiling' to development in any case.
- 5.16 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - e) Conserve and enhance the natural, historic, and built environment; and
 - f) Be supported by all the necessary infrastructure.
- 5.17 The Chipping Norton Neighbourhood Plan (NP) supports the reuse of brownfield land.

National Policy/Guidance

- 5.18 The National Planning Policy Framework (NPPF) (2024) 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 Framework that protect areas or assets of particular importance provides a strong 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 Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.20 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (as identified in footnote 8).
- 5.21 The Council is currently unable to demonstrate a deliverable five-year housing land supply (HLS) and officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.
- 5.22 As such, it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a strong reason for refusing the development proposed. These issues are considered in more detail below.
- 5.23 In addition, the applicant is also arguing in a submitted Local Housing Needs document that, notwithstanding the identified lack of a five-year housing land supply, there is clear and cogent evidence of local housing need within both the Chipping Norton Cub-area and the Chipping Norton Parish/neighbourhood area. The response provided by the Council's Housing Officer (HEO) confirms that this is indeed the case.

Affordable Housing/Housing Mix

- 5.24 Policy H3 of the Local Plan requires sites within the identified 'Medium Zone' to provide 40% affordable housing on sites of 11 or more dwellings. The application proposes 40% affordable housing. HEO has advised that the Design and Access Statement (DAS) shows a policy compliant indicative mix.
- 5.25 For affordability reasons the affordable homes for rental should be provided as Social Rent tenure. The HEO has also identified that there is a high need for 1 bedroom affordable homes for rental and as such 1 bedrooms developed should therefore not be absorbed into First Homes provision. The need for ground floor or lift accessible accommodation should also be taken into consideration. The application would be required to meet Policy H4 requirements for M4(2) and M4(3) accessible homes. The HEO requests that the affordable housing M4(3) accommodation is provided as single storey dwellings, and that the overall M4(2) and M4(3) provision is scheduled out. As the development has potential to be 100 dwellings or more, the requirements of Policy H5 Custom and Self Build Housing (Policy BD6 of the NP) would apply.

The HEO requests that the plots identified for this purpose are scheduled and proposals for delivery are set out.

- 5.26 The Council would request agreement to promote any self-build opportunities to people on its Self / Custom build register at the earliest stage. The Council is also seeking to assist community led development groups to identify opportunities in the self-build and affordable housing sectors and would welcome engagement to explore opportunities on this scheme. Groups of this type are known to be active in Chipping Norton area. These recommendations could be secured via a S106 agreement/reserved matters stage were outline planning permission granted.

Layout, design, and scale

- 5.27 Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.28 A revised Parameter Plan (Drawing 1339.03A) has been submitted which defines the key elements of the proposal and shows the proposed land uses and access for the site. The submitted DAS advises that the site layout plan shows the following elements:
- A residential development area of circa 3.4 hectares / 8.4 acres. A mix of residential accommodation comprising 1,2,3 and 4 bedroom dwellings including a percentage of affordable housing with a focus towards provision of smaller units to respond to local housing needs.
 - Circa 1.7 hectares / 4.2 acres of landscape planting and public open space (approximately 33% of the total site area) including areas of informal amenity space, a community growing space of approximately 630sqm (now included within the revised Parameter Plan), new planting and areas of natural greenspace incorporating Sustainable Urban Drainage features and ecological enhancement.
 - A new vehicular access provided from a new priority junction with Burford Road.
 - Pedestrian and links from within the site to Burford Road.
 - The retention of the existing Public Right of Way within the site and its setting with the provision of a new section of footway on Charlbury Road to improve the connection to the northern side of Burford Road.
 - New planting within the development area and on the boundaries of the site to visually contain the development, enhance its landscape character, improve biodiversity, and safeguard the amenity of existing properties.
 - Development of predominantly 2 storey buildings with a limited number of number of 2.5 storey (up to 11.5 metres) in key locations across the site to assist in the legibility of the scheme and provide variety in the townscape.
- 5.29 The parameter plan and layout show a net residential area of 3.4 ha / 8.4 acres with 104 new homes at a medium to low density (20dph gross density / 31dph net density). The arrangement of buildings is based on simple perimeter blocks to ensure that open spaces and streets are overlooked. This also provides distinction between public and private realm. Whilst layout is not for consideration as part of the outline application, an illustrative layout, as shown in the

Revised Illustrative Masterplan (Drawing Ref. 1339.02B), has been prepared seeking to demonstrate that the site has capacity to accommodate the proposed quantum of development and the associated detailed design requirements.

- 5.30 Policy EH4 of the Local Plan and TM6 of the NP seek to protect and enhance green infrastructure including existing public rights of way. The DAS specifies the retention of the existing Public Right of Way within the site and its setting. The Parameter Plan has also now been amended to include a community growing space of approximately 630sqm within the south eastern part of the site in line with the Council's adopted SPD on 'Developer Contributions' which requires the provision of on-site allotments and other community growing space and as requested by the Town Council. Overall, the public open space provision proposed on the site (approximately 33% of the total site area) is welcomed.
- 5.31 The Thames Valley Police - Designing Out Crime Officer does not object to the application at this outline stage and provides some informative comments on documents provided for the applicants' consideration when preparing future planning applications relating to reserved matters.
- 5.32 Policy OS2 of the Local Plan seeks to respect the intrinsic character of the area and ensure that development forms a logical complement to the existing scale and pattern of development and/or character of the area. The NP recognises that the town has a highly attractive landscape setting and Policy MP7 seeks to protect and where possible enhance the high quality landscape setting of the town. The proposal would extend development into the open countryside and would spread development across onto the other side of the A361 (Burford Road) which presently acts as a defined boundary to the town's development with open countryside beyond. As such, the proposal would not form a logical complement to the existing pattern of development and/or the character of the area and would not enhance the local landscape and setting of the town, in conflict with Development Plan policies and advice in the NPPF. This is a matter that must be put into the planning balance to weigh against the proposal.

Impact on Landscape/Setting of Cotswolds National Landscape

- 5.33 Policies OS4 and EH2 of the Local Plan each require the character of the area to be respected and enhanced. Policy EH2 seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality, and distinctive natural and man-made features of the local landscape.
- 5.34 Policies in the NP also seek to protect and enhance the landscape setting of the town and local environment. Policy MPI 1 refers to urban fringe development and the need to respect the character of adjacent rural areas, green spaces, or countryside by providing landscaping and/or open areas where appropriate, to act as a bridge or buffer with the adjacent more open or rural area. Chipping Norton is unusually elevated and although the site does not fall within a specifically designated area of landscape sensitivity, it is adjacent to the Cotswolds National Landscape (AONB) and is therefore visually sensitive.
- 5.35 The site is located within the Enstone Uplands Landscape Character Area (EULCA) and the Open Limestone Wolds Landscape Type (OLWLT). The EULCA is described as occupying a high limestone plateau dissected by the River Glyme, though mostly characterised by a rolling landform and with a distinctive elevated and open character, dominated by the limestone geology. The key characteristics of the OLWLT are provided below:

- large-scale, smoothly rolling farmland occupying the limestone plateau and dip slope;
- typically, large, or very large fields, with rectilinear pattern of dry-stone walls (typical of later enclosures and often in poor condition) and weak hedgerows, with frequent gaps and very few trees;
- productive farmland predominantly under intensive arable cultivation;
- thin, well-drained calcareous soils and sparse natural vegetation cover and a somewhat impoverished 'upland' character;
- very open and exposed character;
- distinctive elevated and expansive character in higher areas, with dominant sky and sweeping views across surrounding areas; and
- high intervisibility.

5.36 Within the Chipping Norton Landscape Assessment (June 2009), the site is identified as being located within 'Area F - South of Chipping Norton: Undulating Plateau'. Area F is described as an undulating plateau and mostly agricultural landscape on the southern edge of the ridge on which Chipping Norton lies, enclosing the town to the south. It is stated that the area is open and exposed, with high intervisibility in all directions, including with parts of the town itself, which has a hard southern settlement edge. A portion of Area F falls within the Cotswolds National Landscape designation, while the remaining areas adjoin it, as is the case with the application site itself. Overall, the site is considered to have high landscape and visual importance and sensitivity.

5.37 A more localised landscape character assessment undertaken on behalf of the applicant, finds that 'Overall, the Site itself is considered to be well contained by the topography and surrounding vegetation structure and is more closely associated with the southeastern settlement edge of Chipping Norton than the surrounding countryside as a result. The Site therefore displays a settlement edge character and forms part of the south-eastern gateway into the town. The surrounding area comprises a mostly rural landscape that has been influenced by human activity and despite the proximity of the Cotswolds National Landscape to the immediate west, the Site itself is not considered to relate closely to the National Landscape countryside, mainly as a result of the development to the south and west and the intervening vegetation structure.'

5.38 The revised Landscape and Visual Impact Assessment (LVIA) submitted concludes that the proposals would not give rise to any significant adverse effects in terms of landscape character of the site itself, and would result in a highly localised long-term Moderate / Minor Adverse effect at most on the adjacent areas of Cotswolds AONB and its setting, with the wider landscape experiencing a Negligible Neutral / None effect and the natural beauty and special qualities of this AONB landscape mostly conserved and enhanced where possible. In terms of the visual environment, the LVIA considers the site to be highly visually contained however the visual environment of the immediate context of the site would undergo some unavoidable significant adverse change in the short-term as a result of the proposed development. In the long term, the proposed development would be highly integrated and contained within the immediate setting as a result of the composition of the receiving landscape.

5.39 Overall, it is therefore concluded that the proposed development would not give rise to any long term significant harm on the receiving landscape character of the site, and it is therefore compliant with the relevant landscape policies.

- 5.40 The proposed development would protrude into open countryside beyond the existing limit of development and would fundamentally alter the land character from rural to urban in this location and it would open up this wider area to future development on land between Burford and Charlbury/ Over Norton Road making it more difficult to resist the spread of further development which would further erode the rural character of this entrance to the town. Although additional planting is proposed along the boundaries, it is anticipated that the development would be visible from some distance.
- 5.41 The Cotswolds Conservation Board (now known as the Cotswolds National Landscape Board) has raised no objection to the proposed development and considers that the proposed development would not adversely impact the landscape and scenic beauty of the National Landscape, subject to the proposed landscape mitigation and biodiversity enhancements being secured and delivered.
- 5.42 In conclusion, the proposed development would encroach into the rural landscape and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural appearance and character of the landscape, although, it is recognised that in the longer term, its impact could be mitigated through appropriate landscaping to reduce its visual impact. Nevertheless, the proposal would result in landscape harm, and this is a matter that must be put into the planning balance to weigh against the proposal.

Impact on Heritage Assets

- 5.43 There are no nationally designated heritage assets located within the site. However, the site lies within the setting of a designated archaeological site (Scheduled Monument) of considerable significance: Romano-British rural settlement and Iron Age remains, on the eastern edge of Chipping Norton (List no. 1486619) that covers land to the immediate north-east of the application site, east of Millenium Wood, and extending to the north of this woodland and the adjacent allotments. There is also a Grade II listed building (Oldner House) located approximately 240 metres to the east at its nearest point. Chipping Norton Conservation Area covers the historic town core approximately 550 metres to the north-west at its nearest point, along with a significant area of green space to the south-west of the built form.
- 5.44 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 212 of the NPPF advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 213 and 215).
- 5.45 The submitted Built Heritage Statement concludes that the visual impact of the proposed development on the significance of the listed building would be very low, and any potential glimpsed views of the new development would be experienced in the context of the existing residential development to the west of Burford Road and Chipping Norton Rugby Club and

associated buildings. These potential limited views of the proposed development would not diminish the way that Oldner House 's significance can be appreciated and would therefore conserve its special architectural and historic interest. It would also respect its historic landscape context by entirely preserving its immediate and intermediate setting, according to local Policy EHI 1.

5.46 The Council's Conservation and Design Officer has commented as follows:

Chipping Norton is a Conservation Area, although this site falls outside. The application site was likely part of the rural setting for the market town, and therefore, I do consider it within the setting. However, although I consider the loss of rural land within the setting of the conservation area would have less than substantial harm; in my opinion it is on the lower level of the scale.

Also, there will be harm to the rural setting of Oldner House (List entry: 1182728), I consider this to be on the lower / moderate level of less than substantial harm. An on-going landscape buffer between the development and Oldner House should mitigate some of this harm if the development is granted permission.

From looking at the illustrative masterplan the massing and density seems excessive, and the housing design disordered and very plain; the usual box-like accommodation we see across the country. I would like to see some better designed and interesting accommodation. It would be great to see design that displays some nod to the SM- Romano-British settlement opposite.

More of a buffer should be provided between the SM and the new development so that the setting is preserved as much as possible.

5.47 The submitted Archaeological Evaluation Assessment advises that the results of the evaluation demonstrate that activity associated with the Romano British settlement identified during recent archaeological investigations to the north of the application site does not extend into the site. The results of the evaluation also confirmed the results of the previously undertaken geophysical survey, which indicated a low potential for the site, with targeted anomalies proving to be almost wholly relating to variations in the natural geology or to modern services such as field drains. The evaluation results also corroborated the findings of the previously undertaken archaeologically monitored geotechnical soil survey, where no archaeological features or deposits were encountered during the excavation of 16 x 2 metre by 1 metre test pits.

5.48 The County Archaeological Officer notes that no significant archaeological remains were recorded in the evaluation assessment undertaken and so considers that there are no further archaeological constraints to this scheme.

5.49 In respect of the recently designated Scheduled Monument, Historic England (HE) commented that while the archaeological remains within the Scheduled Monument will not be impacted by the proposed development, there are concerns relating to the potential impact that the development may have on the setting of the monument. A robust assessment of the impact on the setting of the designated heritage asset was therefore requested including measures secured to mitigate harm, including the provision of a substantial buffer area, particularly around the north-eastern and eastern boundary of the development site. HE also advised that heritage benefits should also be secured to balance the identified level of harm.

- 5.50 A Setting Assessment has been submitted which concludes that the proposed development would have no adverse effect on the significance of the Scheduled Monument i.e. its evidential value. Nor would it affect how the monument is currently appreciated i.e. there is no intervisibility from the publicly accessible areas of the Scheduled Monument and in addition enhanced planting and a landscape buffer along the eastern and north-eastern boundary of the Site will (along with the existing planting along Charlbury Road, outside the site's eastern boundary and Millenium Wood) ensure no intervisibility with the site from the south-west of the Scheduled Monument. The proposed development will change an area of arable land into residential development however the specific contribution of this land to the significance of the Scheduled Monument or how it is appreciated is negligible. Consequently, as no adverse effects are anticipated further enhancement or mitigation measures are not considered necessary in this instance.
- 5.51 Further information has been submitted in response to both the comments of the Conservation Officer and HE including predicted photomontages to evidence the view that the effect of the proposed development on the Monument's significance is negligible; that it is the rural landscape to the east and south of the Monument that provide a more valuable perceived agrarian setting and that the landscape and planting buffer already proposed will serve to satisfactorily enclose the development. The applicant remains of the opinion that the site, due to the distance and changes seen through the 20th century, does not form any part of the setting of the conservation area and as such there will be no impacts to the significance of the conservation area arising from the development. It is agreed that there will be "less than substantial harm" to the significance of Oldner House, but this is assessed to be at the lower end of the scale, and it will be possible to mitigate this harm through the reserved matters submissions.
- 5.52 HE have raised no objection to the application on heritage grounds and conclude the significance of the monument in terms of its evidential value (that is, the potential of a place to contain evidence relating to past human activity) will not be impacted by the development. However, the development sits within an area of open ground which separates the Scheduled Monument from the urban, south eastern fringe of Chipping Norton. As such, it makes a small contribution to the significance of the monument (through its setting) as a remnant of the farmed, open countryside in which the Roman rural settlement was originally built and inhabited. There would be some erosion of this separation, should the development proceed, and this will cause some harm to the significance of the monument, although this harm will certainly be less than substantial.
- 5.53 Having taken into account the topography of the site, when viewed from higher ground, along with the screening provided by Millennium Wood and the 'buffer zone' proposed as mitigation, HE advise that in this case the level of harm will be very much at the lower end of less than substantial. However, whilst views of the site from the southern edge of the monument would be screened by planting within the 'buffer zone,' which would reduce the visual impact of the new housing, the open ground would still be eroded, so the harm is not removed entirely. The proposed hedge and tree screening also has the potential to visually and physically 'cut off' the monument from the new development.
- 5.54 To deliver good place making, HE have recommended that the applicant consider an approach where views are filtered slightly, or there are sight gaps, so that there are places where the edge of the monument is visible to the new occupants of the development, and they can therefore understand and appreciate it. Combined with appropriate information using artwork, interpretation panels and/or QR codes, there is an opportunity here for residents to understand

the Scheduled Monument, and to value their proximity to it. This has clear educational advantages and provides valuable place-making opportunities. Information about the history of the area, including the monument, could also be included in the information packs provided to new residents. This approach has been agreed in principle with the applicant and would provide a clear heritage benefit in NPPF terms (paragraph 215).

- 5.55 Conditions have been recommended by HE were outline permission granted requiring a scheme for heritage interpretation and education for residents of the development and the surrounding neighbourhood and a scheme for the treatment of housing in the areas of development which lie closest to the buffer zone, particularly those areas facing the south western edge of the Scheduled Monument (to be developed in consultation with HE and other interested parties) to be submitted and agreed. Opportunities to maximise the benefits derived from the buffer zone should be explored, including the design of a footpath through the buffer zone, with seating points and accompanying interpretation which informs and celebrates the historic, as well as the natural local environments.
- 5.56 In conclusion, it is agreed that the proposed development will not cause harm to the Scheduled Monument's evidential significance and that in terms of its setting, evidence has been submitted to justify the view that the effect of the proposed development on the Monument's significance is negligible. Whilst there is some disagreement about the impact on the setting of the conservation area, the Council's Design and Conservation Officer considers that this would be at the lower end of the scale of less than substantial and that similarly the impact on the rural setting of the Grade II listed Oldner House would be on the lower / moderate level of less than substantial harm but it is acknowledged that an on-going landscape buffer between the development and Oldner House should mitigate some of this harm if the development is granted permission.
- 5.57 Paragraph 215 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this respect it is considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits would outweigh the less than substantial harms arising in this case.

Highway Impact and Pedestrian Accessibility

- 5.58 Policy T1 of the Local Plan states that priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. And that, all new development will be designed to maximise opportunities for walking, cycling and the use of public transport. Similarly, Policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport and that where opportunities for walking, cycling, and using public transport are more limited, other measures will be sought to help reduce car use as appropriate. The NP also reflects these objectives.
- 5.59 The planning application is supported by a Transport Assessment (TA) and Framework Travel Plan (FTP) which assessed the potential transport impacts of the proposed development on the local highway network. The TA concludes that the scheme is acceptable in transport terms in the context of national policy while the FTP supports the sustainable transport strategy for the

site to encourage residents to travel sustainably. With respect to access, vehicular access is proposed via a new junction from Burford Road while there are two further accesses for pedestrians connecting to Charlbury Road to the north and to Burford Road to south connecting to the existing bus stops adjacent to the football club.

- 5.60 One of the principal objectives of the Chipping Norton Neighbourhood Plan is to ensure that new development is well connected to the rest of the town and surrounding area, especially by public transport, walking and cycling. This is reflected in Policy TM7 which states that 'Development should be well connected to other parts of the town. Attractive and safe walking and cycling routes towards the town centre and other community facilities should be provided to serve new development.' Policy TM8 also states that 'Developments should take account of the movement needs of people of all abilities on pavements, pathways, and road crossing points. Access to new developments should flow seamlessly from the existing pedestrian network and prove easy for all to navigate.' The provision of public transport, therefore, becomes even more significant, not least because of the town centre being designated an Air Quality Management Area.
- 5.61 In terms of sustainable transport connectivity, the submitted TA considers access to services and facilities and concludes that there are a range of services and facilities, including education, retail, employment opportunities and leisure destinations within an acceptable walking and cycling distance from the site. The TA also indicates that there are existing bus services on Burford Road which connect to Witney, Charlbury, Burford and the centre of Chipping Norton with further connections available from bus stops on Walterbush Road to Banbury, Woodstock, and Oxford. This demonstrates that a broad range of local services and facilities within Chipping Norton can be accessed on foot or by bike (given that Chipping Norton is identified as a main service centre in the District) with additional connections to regional destinations including Oxford available via existing bus services.
- 5.62 A Supplementary Transport Note has also been submitted in response to concerns raised by County Highways in relation to accessibility to the site by non-car modes of travel; inadequate access arrangements and insufficient information to enable the highways, traffic, and transportation implications of the proposed development to be fully assessed. In respect of accessibility, the note advises that opportunities to improve walking and cycling connectivity on A361 Burford Road have been reviewed to encourage walking and cycling trips to the schools (St Marys C of E Primary School and Chipping Norton Secondary School), Chipping Norton Leisure Centre, Glyme Hall and towards the town centre. Access arrangements have also been discussed and agreed with OCC Transport and the FTP updated.
- 5.63 OCC Transport have welcomed the improvements to walking and cycling along Burford Road between the site and Chipping Norton School proposed that the proposed development . A Stage I Road Safety Audit (RSA) was requested, along with some alterations to the scheme to address comments made by other internal teams and the aspirations of the emerging LCWIP for Chipping Norton. The amendments requested to the scheme included:
- Relocation of the proposed build-out on Burford Road to outside the allotments to minimise amenity impact on residential properties;
 - Cessation of the advisory cycle lanes at the signalised crossing point outside the schools;
 - Provision of a short section of 3m wide shared footway/cycleway on the south-west side of Burford Road between the zig-zag markings and the crossing point. It was acknowledged that this would require a slight realignment of the carriageway; and

- Upgrade of the existing pedestrian signalised crossing to a toucan crossing to include cyclists.
- 5.64 The applicant has subsequently undertaken a Stage I RSA and updated the proposed scheme to reflect the items raised in the RSA and to show the above proposed improvements to walking and cycling along Burford Road. OCC Transport have reviewed the revisions submitted and are now satisfied that the proposed scheme is acceptable and would encourage residents of the site to make a modal shift from driving to either walking or cycling to key destinations along Burford Road.

Residential Amenity/Noise/Air Quality

- 5.65 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, issues such as noise, air quality and contamination can be considered.
- 5.66 In terms of noise, the application is accompanied by a revised Noise Impact Assessment and further information and plans have been submitted following various queries raised by the Council's Environmental Health Noise Officer to clarify and satisfy them that the required criteria can be met. This included, inter alia, an additional noise survey undertaken in August 2024 in liaison with the Rifle Club to ensure that a 'worst case' noise scenario could be captured.
- 5.67 A revised Illustrative Masterplan has been submitted within which Plots 91 to 104 (the plots nearest to the southern boundary of the application site) have been re-orientated in order that the dwellings themselves would act as a barrier to reduce potential noise levels in external garden areas from the use of the Chipping Norton Rifle and Pistol Club ("the Rifle Club") located approximately 80 metres at its closest point to the south of the application site. A 3 metre high acoustic living green barrier is also proposed at the southern boundary of the application site, integrated into the landscaping, to provide acoustic screening to reduce potential noise levels across the entire development.
- 5.68 For internal noise levels, the Assessment confirms that standard acoustically upgraded glazing (to achieve a minimum 32 dB Rw+Ctr) and mechanical ventilation for the worst-case development facades can be implemented. The Assessment concludes that subject to these measures, appropriate noise levels can be achieved within habitable rooms within the application site, and that all practicable measures have been taken to reduce shooting noise within gardens to a minimum, in line with the relevant noise guidance (BS8233).
- 5.69 The Environmental Health Noise Officer is still of the position that noise levels should be achieved with windows open, and residents should not have to close windows to meet an acceptable noise level and therefore the principals of good acoustic design should be utilised to ensure that the levels can be achieved without the need for residents to close windows. The mitigation measures proposed by the applicant would allow the potentially most affected residents of the new housing (those located closest to the southern boundary) to be within their properties with the windows closed and using mechanical ventilation in order to ensure that the noise levels they are exposed to comply with the requirements of BS8233.
- 5.70 Whilst the indoor levels comply, the Noise Officer asserts the practicality of some residents possibly having to go inside and keep windows closed to escape the potential annoyance of

shooting noise is difficult to concede as a viable alternative to reducing the shooting noise at source or limiting the times and durations of shooting events. They remain concerned over the lack of information available on the frequency of the Rifle Club's use (both the Noise Officer and applicant have approached the Rifle Club post the survey work undertaken in August 2024 to try and ascertain this information without success), the inability to control this use going forward (the Rifle Club appears to have been operating consistently for over 40 years since 1983 with no formal planning permission having been granted) and noise levels across the site being over the recommended Chartered Institute of Environmental Health (CIEH) Shooting Guidance level of 55-65dB.

- 5.71 With the proposed noise barrier and the topography of the site itself, the line of sight would not appear to be an issue from the proposed housing, however, the Noise Officer's concern is that the housing would be situated at its closest point approximately 80 to 85 metres to the north of the range, with the range pointing from West to East. Given the relatively low background levels in the area of 39 to 46dB and the close proximity of some of the proposed housing to the Rifle Club, the LAFmax levels of shot noise were measured between approximately 70dB to over 90dB in the survey work undertaken in August 2024 raising potential concerns of a 'startle effect' which is a factor in making complaints of nuisance more likely.
- 5.72 At this stage it is unclear how the Rifle Club could be regulated in the future given the issue of the Club being un-authorised and unregulated and the question of whether any noise reduction or mitigation measure can be reasonably imposed on the Rifle Club given the length of time they have occupied the site. Evidence from the Noise Impact Assessment provided confirms that there could potentially be a risk of future residents within the proposed development suffering a loss of amenity and/or a Statutory Nuisance, with levels identified across parts of the site potentially exceeding the recommended 65dB in some external amenity areas of the proposed dwellings.
- 5.73 It is noted, however, that planning permissions have been granted in recent years by the Council for residential development within a similar proximity to the Rifle Club, such as for 228 dwellings on Land West of Burford Road (also known as Land South and East of Walter Bush Road) in August 2015 (ref. 14/01884/FUL) and May 2018 (ref. 18/01234/NMA allowing a non-material amendment for additional windows to the lounge and conservatory on Plot numbers 73 and 180) directly to the west on the opposite of Burford Road (this development has now been completed and occupied) and for a replacement dwelling at Ash Tree Cottage (ref. 23/02435/OUT) to the east of the application site in January 2024. In both cases, no concerns were raised by the Council in relation to noise impact from the Rifle Club.
- 5.74 No complaints have been received to date from local residents in relation to the Rifle Club which suggests that the frequency of shooting events is low and infrequent. Notwithstanding this, without knowing the frequency and bringing a larger number of houses into close proximity of the Rifle Club, the Noise Officer considers the proposal could increase the chances of complaints significantly.
- 5.75 Accordingly, the residual minor adverse impact of the potential shooting noise within gardens is a matter that must be put into the planning balance to weigh against the proposal.
- 5.76 The Council's Environmental Health Contamination has commented that the updated site investigation report is now acceptable, and the results of the additional ground gas monitoring have been added. A condition to prevent pollution of the environment is recommended.

- 5.77 In accordance with Policy EH8 of the Local Plan, the potential for additional movements and the resulting impacts on the AQMA need to be assessed. Following the submission of an Air Quality Assessment and requested addendum, which concludes that existing sensitive receptors in the vicinity of the site are expected to experience a negligible air quality impact as a result of the development, the Council's Environmental Health Air Quality Officer has raised no objection to the application, subject to S106 contributions towards mitigating its impact by supporting projects such as community transport or green infrastructure.
- 5.78 The application is also supported by a Health Impact Assessment which concludes that it has not identified any adverse health impacts which cannot be effectively minimised through the implementation of mitigation measures and identifies a range of positive impacts the proposed development is likely to have on the health of local residents. If enhancement measures are made, the proposed development can further maximise these opportunities presented.

Flood Risk/Drainage/Water Supply

- 5.79 The site is located within Flood Zone 1 (low risk) for tidal and fluvial flooding. The submitted Flood Risk and Drainage Strategy concludes that the proposed development complies with national and local planning policy with respect to flood risk and drainage and that the risk of flooding is adequately managed, and the offsite flood risk is not increased.
- 5.80 The Lead Local Flood Authority has raised no objection to the application subject to surface water drainage conditions. The Environment Agency (EA) also raise no objection to the application subject to conditions.
- 5.81 In respect of foul water drainage, a pumping station is proposed for the proposed development. The pumping station would pump all the effluent of the proposed development, via a rising main to the nearest Thames Water public sewer, which is located to the north of the proposed development on Burford Road.
- 5.82 Thames Water (TW) has raised no objection in relation to foul water drainage subject to a condition to ensure that any foul water network upgrades required to accommodate the additional flows from the development have been completed. In this respect they have commented that Chipping Norton STW is currently being upgraded to accommodate this and other development in the catchment. The upgrade works are due to be completed by April 2025. The EA also recommend a pre-commencement condition to ensure that all necessary improvements to Chipping Norton STW are made to protect the receiving environment.
- 5.83 In terms of water supply, TW are currently working with the applicants to identify and deliver the offsite water infrastructure needs to serve the development. TW have identified that some capacity exists within the water network to serve 50 dwellings but beyond that upgrades to the water network will be required. Works are ongoing to understand this in more detail and as such TW feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development does not outpace the delivery of essential infrastructure.

Trees/Biodiversity

- 5.84 The application is accompanied by an Arboricultural Implications Assessment which advises that the direct arboricultural effect of introducing the proposed development to the site is negligible and will not require the removal of any trees.
- 5.85 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. A revised Biodiversity Net Gain (BNG) Assessment, including a BNG Enhancement Area to the south of the main development site now comprising traditional orchard priority habitat, and accompanying metric demonstrates that a 17.99% biodiversity net gain can be achieved under the proposed development.
- 5.86 The Council's Biodiversity Officer has raised no objection to the proposed development subject to subject to conditions and informatives relating to biodiversity net gain, ecology, external lighting, Construction Environmental Management Plan - Biodiversity, landscaping and habitat management and monitoring as suggested being attached to any permission granted.
- 5.87 Natural England has raised no objection to the application and in respect of the Glyme Valley Site of Special Scientific Interest has commented that the proposed development will not damage or destroy the interest features for which the site has been designated and has no objection.

Sustainability/Climate Change

- 5.88 In accordance with Local Plan Policy OS3, the development is required to demonstrate consideration of the efficient and prudent use and management of natural resources including minimising the use of non-renewable resources and energy demands / loss through design, layout, orientation, landscaping, materials, and the use of technology.
- 5.89 The submitted Energy and Sustainability Statement sets out the following:
- The dwellings will adopt a fabric first approach with specifications above current Building Regulations for insulation detailing. They will be orientated to maximise solar gain where possible;
 - There will be no burning of fossil fuels for heating on site, with no natural gas supplied;
 - Heating and hot water will instead be supplied using low carbon air source heat pump complemented with PV panels;
 - Buildings will be designed and specified to adapt to a changed climate: overheating will be managed through good design;
 - The development will employ a combination of highly efficient fixtures, fittings and rainwater harvesting to reduce domestic water use to well below Building Regulation standards;
 - Embodied carbon will be considered and addressed through sustainable material selection, flexible and durable design, and efficient construction site practices;
 - Construction and operational waste will be managed according to the principles of the Waste Hierarchy with a focus on waste prevention, re-use, and recycling; and
 - Electric vehicle charging points will be provided to every dwelling with associated parking in line with policy requirements.

SI06 Contributions

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

- 5.91 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement. Policy H5 also requires the provision of 5% of the residential plots to be serviced and made available for custom and self-build housing.
- 5.92 Matters relating to the provision of Green Infrastructure, play areas, open space, public art, and air quality mitigation measures will also be secured via the s106 legal agreement together with required monitoring costs. The following financial contributions towards sports and recreational facilities, public art and air quality requested by WODC are:
- Outdoor pitch provision contribution of £205,734.98 towards the cost of improvements and maintenance of pitches in the catchment area;
 - Artificial pitch provision contribution of £7,406 towards the cost of a replacement or improvement to artificial pitches in the catchment area;
 - Sport Hall provision contribution of £53,624 toward the cost of a replacement or improvement to Sports Halls in the catchment area;
 - Swimming pool provision contribution of £59,260 towards the cost of a replacement or improvement to pools in the catchment area;
 - Public Art contribution of £13,104 to develop temporary public art activity on and off site to foster connectivity for and with residents' post occupation; and
 - Air quality mitigation contribution of £22,520 towards air quality mitigation measures (community transport or green infrastructure).
- 5.93 The following on and off site contributions have also been sought by OCC, as set out in their consultation response:
- Public transport contribution of £137,904 towards public transport services, namely the continued/ improved operation of bus services S3 and X9;
 - Travel Plan contribution of £1,985 towards Travel Plan Monitoring;
 - Public rights of way contribution of £40,000 towards improvements to the public rights of way in the vicinity of the development site (within 2km of the site) including new short links between the existing rights of way. The key works anticipated are:
 - Improvement to Footpath 166/2 outside of the site heading southeast;
 - Continuation of the above Footpath as 154/18 and 358/28;
 - Improvement to Footpath 154/1 south of the site;
 - Potential link between Footpath 166/2, Footpath 154/1, and Restricted Byway 154/13 at the Old London Road;
 - Special school education contribution of £53,845 towards special school education capacity serving the development; and
 - Waste contribution of £10,596 towards household waste recycling centres within the vicinity of the site.

Conclusion and Planning Balance

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

- 5.95 Where policies for the supply of housing are out of date, paragraph 11 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social, and environmental planning roles.
- 5.96 With regards to the economic dimension of sustainability, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. It is considered that moderate weight should be afforded to these benefits.
- 5.97 The proposal would positively support the delivery of housing, including affordable housing. There is a need for market and affordable homes within our District and the proposal would contribute towards this at a time of housing need. Significant weight is attached to this social benefit. There would also be social and health benefits arising from the inclusion of publicly accessible open space and green infrastructure which would provide amenity benefits to both existing and future residents although this would be expected to be delivered in any case and as such is given limited weight.
- 5.98 In terms of the environmental dimension, this proposal would extend development into the open countryside and would spread development across onto the other side of the A361 (Burford Road) which presently acts as a defined boundary to the town's development with open countryside beyond. As such the proposal would fail to form a logical complement to the existing pattern of development and/or the character of the area and would fail to protect or enhance the local landscape and setting of the town. Nevertheless, it is recognised that in the longer term, its impact could be mitigated through appropriate landscaping to reduce its visual impact. The proposed development is somewhat remote from the town centre with a low frequency of bus services, but improvements are proposed for improvements to walking and cycling connectivity to the nearby schools, Leisure Centre and towards the town centre. In addition, on-site allotments/community growing space are provided.
- 5.99 The proposed development would cause 'less than substantial'/negligible harm to heritage assets and an appropriate landscape strategy could mitigate some of this harm. HE have raised no objection to the application on heritage grounds and conclude the impact identified can be appropriately mitigated. Conditions have been recommended by HE requiring a scheme for heritage interpretation and education for residents of the development and the surrounding neighbourhood and a scheme for the treatment of housing in the areas of development as set out above that will provide a clear heritage benefit in NPPF terms. Moderate weight is attached to this social benefit.
- 5.100 The proposal now provides drainage details to demonstrate adequate water management and would not damage or destroy the interest features for which the Glyme Valley SSSI has been notified. No objection has been raised by either Natural England or the Council's Biodiversity Officer to the proposed development which is expected to achieve an overall 17.99% biodiversity net gain.

- 5.101 A reduced timeframe for the reserved matters to be submitted and for development to begin ensures the development makes a meaningful contribution to the housing shortfall in the District.
- 5.102 Turning to the planning balance as directed by paragraph 11 of the NPPF and taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.
- 5.103 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

Recommendation

- 5.104 In light of this assessment, the application is considered to accord with the policies in the WOLP 2031, Chipping Norton Neighbourhood Plan and the NPPF. The application is therefore recommended for conditional approval.

6 CONDITIONS

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

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

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

REASON: The application is not accompanied by such details.

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

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

- 4 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 prior to the first trench being dug 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.

5 Visibility splays shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

REASON: In the interests of road safety.

6 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and the residential amenities of neighbouring occupiers.

7 No other part of the development shall be occupied until the offsite highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include:

- Proposed site access arrangements and pedestrian infrastructure as shown in principle on Drawing no. ITB19104-GA-001 Rev C
- Improvements to the Burford Road/Charlbury Road junction and pedestrian infrastructure as shown in principle on Drawing No. ITB19104-GA-009 Rev A
- A safe walking and cycling route on Burford Road as shown in principle on Drawing No. ITB19104-GA-012 Rev A
- Improvements to the A361 West Street / A44 New Street junction.

REASON: To ensure a safe and adequate access to the site for all users.

8 Prior to occupation of the development details shall be submitted for the approval of the Local Planning Authority for a scheme for parking, garaging and manoeuvring in accordance with Oxfordshire's "Parking Standards for New Developments". The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

9 No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be submitted and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off and turn clear of the highway.

10 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

11 Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Residents of the site shall be provided with a copy of the approved Travel Information Pack upon occupation.

REASON: To ensure all residents are aware of the travel choices available to them from the outset.

12 Prior to commencement of the development details of the route, surface material, width, gradient, road crossings, furniture etc of the public footpath crossing the application site, and associated construction safety provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

REASON: In the interests of safety and convenience of users of the public footpath.

13 The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the development commencing:

Reference: FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY HD0007-R002

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal

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

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

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

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

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

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

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

16 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.

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

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

18 The development here by approved shall not be occupied until either:- 1. The sewage treatment works upgrades, at Chipping Norton STW, to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

19 There shall be no occupation beyond the 50 dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

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

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

21 The proposed development shall be carried out in accordance with the key recommendations as set out in the submitted Energy and Sustainability Statement.

REASON: In the interests of climate change.

Notes to applicant

- I The CTMP will need to incorporate the following in detail:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions. The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0345 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

- 2 Prior to the commencement of a development, a separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works

(vehicular access, new footway links, bus infrastructure, pedestrian refuge island, carriageway widening and new right-turn lane) under S278 of the Highways Act 1980. For guidance and information please contact the county's Road Agreements Team via <https://www.oxfordshire.gov.uk/cms/content/contact-road-agreements-team>.

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

No vehicles associated with the building operations on the development site shall be parked on the public highway, so as to cause an obstruction. Any such obstruction is an offence under S137 of the Highways Act 1980.

Correct route of public rights of way: Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground and may mean there are more than one route with public access. The legal width of public rights of way may be much wider than the habitually walked or ridden width. The Definitive Map and Statement is available online at www.oxfordshire.gov.uk/definitivemap

Protection from breaks in public rights of way and vehicle crossings/use of public rights of way: Many public rights of way are valuable as access corridors and as continuous wildlife and landscape corridors. As a matter of principle, PRow should remain unbroken and continuous to maintain this amenity and natural value. Crossing PRow with roads or sharing PRow with traffic significantly affects wildlife movements and the function of the PRow as a traffic free and landscape corridor. Road crossings of PRow should be considered only as an exception and in all cases provision must be made for wildlife access and landscape, and with safe high quality crossing facilities for walkers, cyclists and equestrians according to the legal status of the PRow. Vehicle access should not be taken along PRow without appropriate assessment and speed, noise, dust and proximity controls agreed in advance with OCC Countryside Access.

Protection, Mitigation and Improvements of routes. Public rights of way through the site need to be integrated with the development and provided to a standard to meet the pressures caused by the development. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. The package of measures needs to be agreed in advance with OCC Countryside Access. All necessary PRow mitigation and improvement measures onsite need to be undertaken prior to first occupation so that new residents are able to use the facilities without causing additional impacts and without affecting existing users to ensure public amenity is maintained.

Protection of public rights of way and users. Routes must remain usable at all times during a development's construction lifecycle. This means temporary or permanent surfacing, fencing, structures, standoffs and signing need to be agreed with OCC Countryside Access and provided prior to the commencement of any construction and continue throughout. Access provision for walkers, cyclists and horseriders as vulnerable road users needs to be maintained. This means ensuring noise, dust, vehicle etc impacts are prevented.

Temporary obstructions and damage. No materials, plant, vehicles, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of

Way that obstructs the public right of way whilst development takes place. Avoidable damage to PRow must be prevented. Where this takes place repairs to original or better standard should be completed within 24hrs unless a longer repair period is authorised by OCC Countryside.

Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible - usually through the local planning authority. Any proposals for temporary closure/diversion need to have an accessible, level, safe and reasonably direct diversion route provided with necessary safety fencing and stand-off to ensure public amenity is maintained for the duration of the disturbance.

Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

- 3 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 4 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 5 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.
- 6 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
 - Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
 - Wall, floor and roof insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling

- Materials with low embodied carbon

For further guidance, please visit:

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

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

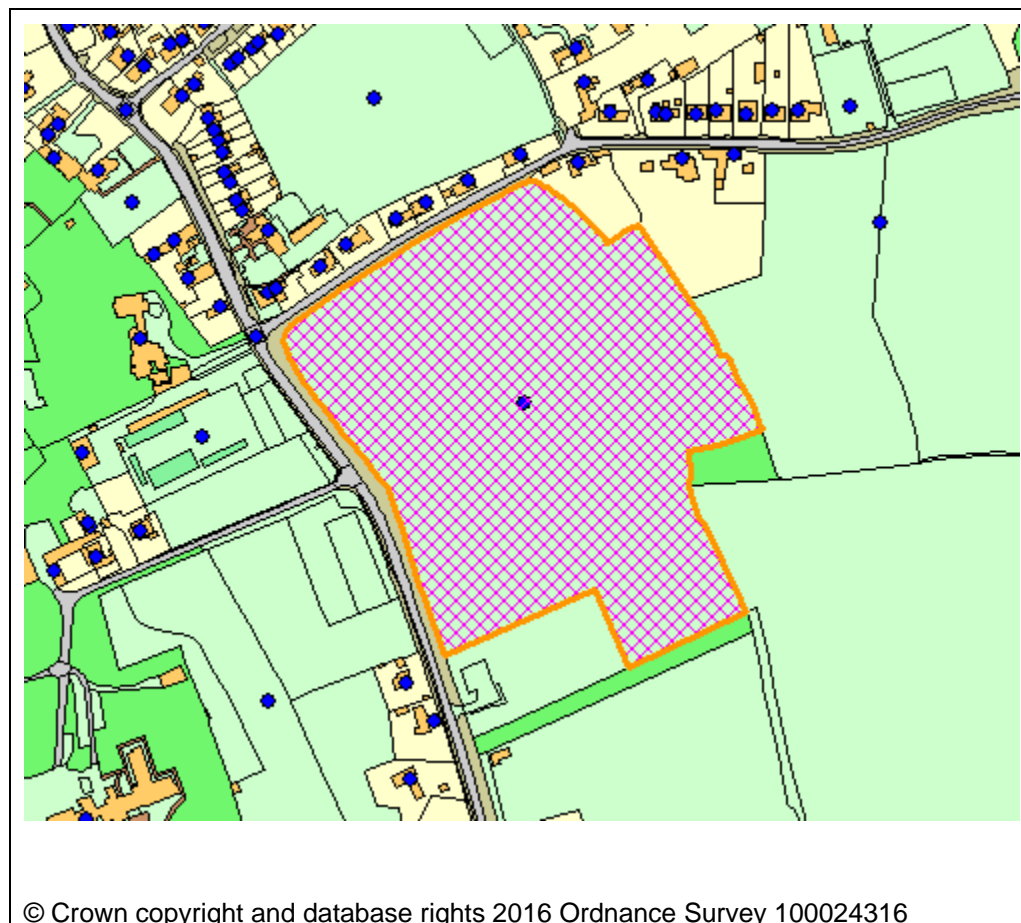
Contact Officer: Mike Cassidy

Telephone Number:

Date: 5th March 2025

Application Number	24/01177/FUL
Site Address	Land East Of Wroslyn Road Freeland Oxfordshire
Date	5th March 2025
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Freeland Parish Council
Grid Reference	441652 E 212575 N
Committee Date	17th March 2025

Location Map



Application Details:

Development of 78 residential dwellings (Use Class C3), allotments and site access, plus open space, drainage, landscaping and associated engineering works (revised and additional information received)

Applicant Details:

C/o Agent

I CONSULTATIONS

Major Planning Applications
Team

Transport - Objection for the following reasons:

- Driveways must be sized to take whole vehicles, 'in between' sizes must be avoided as they create a risk of vehicles overhanging onto the footway.
- Applicant is to produce an RSA I in accordance with GG119 prior to planning permission being granted.
- The proposed site layout shows roads that have straight distances greater than 70m, amendments to traffic calming are required to ensure low speeds.
- Visibility Y distances for the internal road junctions must be 25m and free from obstruction. Visibility splays cannot be obstructed by parking bays.
- A long section has not been provided and is required to ensure compliance with the Equalities Act 2010.
- The provision of visitor parking bays must not be located within private drives.
- Further investigation is required into the ditches on Wroslyn Road and Pigeon House Lane which OCC considers are not highway ditches.

Lead Local Flood Authority - Holding objection. Clarification sought on calculations used.

Education - No objection, subject to financial contributions.

Waste - No objection, subject to financial contributions.

Archaeology - No objection, subject to conditions.

Conservation And Design
Officer

The development scheme and design would be incongruous and too large-scale, and it would not preserve Freeland's historic landscape character. It would not resonate key features, nor respect the form and layout of the area, nor build on the pre-existing historic character (including e.g. street and building layouts). It would not respect the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the area. It would neither conserve nor enhance the special historic character of its surroundings.

Also, the development would have a harmful impact on the Freeland Chapel (list entry: 1053018) and Greystones (list entry: 1053017) - grade II listed buildings located on the corner of Wroslyn Road and

Pigeon House Lane - by significantly and negatively altering their previously undeveloped rural setting that currently consists of hedgerow and trees bounding an open field which has formed part of the existing linear and dispersed character of Freeland's settlement since at least the 18th / 19th century (as evidenced in Oxfordshire's HLC and 19th century OS Mapping).

Therefore, I raise an objection to the current proposal because it would not preserve the character, historic landscape character, and appearance of the settlement. Rather, it would have a harmful impact by infilling previously undeveloped rural land - eroding the historic linear and dispersed settlement pattern. Also, it would not preserve the setting of the Freeland Chapel and Greystones (I consider there is a moderate to high level of less than substantial harm to the listed buildings as a result of harm to their setting).

The current proposal is contrary to P(LB and CA) Act 1990, NPPF Section 16, EH9, EH11 and EH13 and WODC Design Guidance.

Environment Agency

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:

Through our regulatory responsibilities, the Environment Agency is aware that the STW at Church Hanborough does not have sufficient treatment capacity due to failure to upgrade in line with statutory obligations. Church Hanborough STW has frequently exceeded its Dry Weather Flow (DWF) permit over the last few years. DWF permits are set with conditions to protect the receiving waterbody from deterioration, and when a DWF permit is exceeded, these conditions are no longer protective of the environment. It is imperative that new developments are supported by adequate infrastructure, which includes ensuring that wastewater can be treated without causing an adverse environmental impact.

Upgrades and/or improvements need to be undertaken there in order to support development within this STW catchment

Any development connecting to Church Hanborough STW may lead to a deterioration of the water environment in Evenlode (Glyme to Thames). This will be contrary to the advice and guidance in paragraph 180 (e) of the NPPF and the Thames River Basin Management Plan and is of concern to the Environment Agency.

Due to the nature of this application the Environment Agency are unable to provide you with bespoke planning comments on water quality impacts arising from wastewater disposal at this development.

We urge you, as the planning decision maker, to be aware of the situation. We recommend that you carefully review developments which propose to connect to this STW and assess the impact the

	connection proposals could have on the water environment.
District Ecologist	Objection. Additional information required regarding BNG proposals and delivery, the landscaping scheme, impact on the Ancient Woodland, dark skies and impact on protected and priority species.
Env Health Contamination	No objections, subject to conditions.
WODC Housing Enabler	<p>The proposed development is within the High value zone and in accordance with Local Plan policy H3 the applicants Affordable Housing statement confirms that 50% of the homes will be provided as affordable housing. The applicant consulted the Council in relation to the affordable housing mix and has reflected this in the proposals.</p> <p>Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 38 applicants shown above, there are a further 2176 applicants on the overall waiting list who could benefit from the development of this site at time of writing.</p>
Natural England	No Comment Received.
Oxford Clinical Commissioning Group NHS	Significant capacity issues identified. Request for financial contributions to cover primary care infrastructure needs.
WODC - Sports	No objection, subject to financial contributions for outdoor pitch provision, artificial pitch provision, sports hall/studios provision and swimming pool provision in the catchment area.
WODC - Tourism	No Comment Received.
WODC - Arts	No objection, subject to a financial contribution towards public art in the vicinity of the site.
Thames Water	<p>Foul Water: No objection.</p> <p>Surface Water: No objection. Approval should be sought from LLFA.</p> <p>Sewage Treatment Works: Inability of existing STW infrastructure to accommodate needs of the proposal. Grampian condition recommended to ensure no development is occupied until the agreed upgrades to the STW and required infrastructure are completed.</p> <p>Water Network: Inability of existing water network infrastructure to accommodate needs of the proposal. Grampian condition recommended to ensure no development is occupied until the agreed upgrades to the water network infrastructure are completed.</p>
Parish Council	A full version of the Parish Council's response is available online. It is concluded as follows:

Freeland Parish Council strongly objects to this re-application and urges WODC to reject this proposal. The Council could find no justification at all for the application's resubmission. In our view Spitfire Homes have barely even paid lip-service to WODCs reasons for refusal in February 2023 and have demonstrably ignored villagers' views, and those of this Council. The proposal is at least as inappropriate as the original application in size, location and in its effects on the village itself and local infrastructure. It entirely disregards the fact that Chapel Meadow is a pinch-point in the narrowing wildlife corridor between Eynsham Park estate woodlands and Pinsley Wood, a valuable green space for the village, and an important part of the village's identity. The depth of feeling in the village is obvious from the sheer number of objection comments at the time of writing.

Environment Agency

No Comment Received.

Wildlife Trust

1. Concerns relating to biodiversity net gain
2. The importance of a net gain in biodiversity being in perpetuity
3. Potential impact on ancient woodland (irreplaceable habitat)
4. Impact on priority species breeding birds and bats
5. Hedgerow creation and the management of hedgerows in order to achieve biodiversity net gain.

Parish Council

Reconsultation. No Comment Received.

Major Planning Applications
Team

Reconsultation.

Transport - Objection for the following reasons:

- Driveways must be sized to take whole vehicles, 'in between' sizes must be avoided as they create a risk of vehicles overhanging onto the footway.
- Applicant is to produce an RSA 1 in accordance with GG119 prior to planning permission being granted.
- There are numerous footways overhanging locations and the reference vehicle is not shown tracking past cars within the refuse vehicle tracking diagrams.
- There are internal visibility splays that are not free from obstruction.

Lead Local Flood Authority - No objections, subject to conditions.

All other matter addressed in previous consultation response.

District Ecologist

Reconsultation. No response received to date.

Designing Out Crime Officer

Reconsultation. No response received to date.

2 REPRESENTATIONS

2.1 The Council has received 354 letters of objection in respect of the proposal. Some of the key points raised are as follows:

- The previous refusal reasons have not been addressed;
- Impact on highways, including highway safety - Pigeon House Lane would turn into a 'rat run';
- Scale and density of the development is inappropriate for its location;
- Lack of supporting infrastructure and capacity in the existing infrastructure network to accommodate the new development, specifically within: doctors' surgeries, nursery and primary schools, the local sewage treatment works, cemeteries, the national grid electricity supply, surface and foul water drainage network and the highway network;
- A proposed residential development opposite the site was dismissed at appeal (ref. 21/02627/OUT);
- Site not included in the West Oxfordshire Local Plan 2031 and recently approved sites nearby satisfy housing supply in the area;
- Lack of public transport connections from the site to the surrounding area including bus and cycle parking provision, increasing reliance on the private motorcar;
- Impact on local ecology and biodiversity, including the wildflower meadow on the site, the wildlife corridor linking with Eynsham Park and ancient woodland sites to the east, including Vincents Wood and Pinsley Woods. The biodiversity enhancements proposed are insufficient;
- Increased ground and river water pollution, also affecting biodiversity;
- A Grampian style planning condition should be included to prevent first occupancy until upgrade of the Church Hanborough Sewage Treatment Works to prevent spilling of untreated sewage into the River Evenlode catchment;
- Impact on flood risk and drainage on and off the site;
- Impact on the character and quality of the local area, in particular the approach to the main village from 'the Green' and loss of open space;
- Incongruous development that does not relate well to the existing built-form in Freeland, including the existing pattern of development and density;
- Poor quality design and lack of local distinctiveness, contrary to the West Oxfordshire Design Guide;
- Impact on the setting of non-designated and designated heritage assets, including the Grade II Listed Methodist Church and Grey Stones;
- Site of particular archaeological interest;
- Impact on the tranquillity and dark skies of the area;
- The design does not incorporate sustainability features such as carbon efficiency measures, green energy, measures to reduce water consumption and sustainable travel. There is a need for degrowth, more prudent use of resources and living within the biocapacity of our planet due to climate change;
- Lack of public consultation;
- Loss of agricultural land and brownfield sites should be prioritised;
- Impact on the amenity of neighbouring and nearby residents, such as noise and air pollution, and construction impacts;
- Impact on health and wellbeing of residents who make use of Pigeon House Lane for sport and recreation;
- Increase in crime rate; and
- Lack of affordable housing provision.

- 2.2 WASP (Windrush Against Sewage Pollution) has submitted a detailed objection letter. It is concluded as follows:

The use of a 'development and infrastructure phasing plan' as part of a Grampian condition is suggested by Thames Water in its response to this application. WASP strongly objects to the use of such a mechanism on the following grounds:

There are at least 3 similar conditions in existence for on-going developments discharging to Church Hanborough STW. From a practical perspective it is impossible to see how these, let alone an additional development and infrastructure phasing plan can be meaningfully incorporated into the upgrade plans for the STW. Simply, the works will either be adequate to support all of the developments or it will not be. There is currently inadequate treatment and water quality headroom to support a development and infrastructure phasing plan.

- 2.3 The Freeland Nature Recovery Group has provided a detailed objection letter. It is concluded as follows:

Freeland Nature Recovery Group does not believe that Spitfire have satisfactorily addressed the issues directly raised in WODCs rejection reason 4, and we believe that there are numerous factors relating to wildlife and ecology that have not been addressed at all. We believe that the current ecological value of Chapel Meadow has been severely underestimated. We believe that the ecological reports are severely flawed, incomplete and often out of date. We strongly urge WODC to reject this application.

- 2.4 Four letters of support and four letters with a neutral stance have been received. The key points raised are:

- The development would provide much needed houses for younger people who want to stay in the village;
- First time buyers would benefit;
- Would help address the national housing need;
- Infrastructure needs to be improved and provided as part of the development;
- Additional houses would help keep local businesses like the pub viable and in business;
- Disappointing that the previous refusal reasons have not been resolved; and
- Disappointed that the shop/cafe has been removed.

3 APPLICANT'S CASE

- 3.1 An updated statement was submitted by the applicant along with additional and revised information to address the objections and concerns raised by officers. This statement is concluded as follows:

- 3.1.1 This submission and associated documents, plans and information seeks to address the comments raised by consultees to the planning application for development of land at Wroslyn Road, Freeland for residential development.

- 3.1.2 The proposed development will deliver:

- 78 dwellings (including 50% affordable housing provision)
- Two vehicular access points off Wroslyn Road
- Allotment extension in south western part of the Site adjacent to the existing allotments

- Wildlife habitat creation
 - Informal Play Area and provision of community orchard
 - Delivery of M4(2) and M4(3) standard housing
 - Provision of sustainable urban drainage scheme through on-site attenuation basin / swale
 - Retention of mature trees and hedgerows on site boundaries as far as practical
- 3.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.1.4 It has been demonstrated that the development is in broad accordance with Development Plan Policies H1, H2 and OS2 in terms of its location, even though it is outside of the Freeland village development boundary.
- 3.1.5 The Council cannot demonstrate a 5 year land supply, evidenced in a recent March 2024 appeal decision, and in addition, need to find a substantial number of additional dwellings to meet the Development Plan target to the end of the current Plan period in 2031. As the Council cannot demonstrate a five year supply of housing land NPPF para 11d) the presumption in favour of sustainable development is therefore engaged in this proposal, as is the same presumption that is embodied in Development Plan Policy OS2. It is also worth noting that following the introduction of the amended NPPF in December 2024, and the amendments to the standard methodology, West Oxfordshire's local housing need is 905 dwellings per annum, 356 dwellings per annum more than the current local housing need. This reiterates the need for housing to be delivered in West Oxfordshire, and the very significant weight to be placed on market and affordable housing delivery on suitable sites, such as the application site.
- 3.1.6 In accordance with Footnote 7 and NPPF para 202 the heritage harm alone has been weighed against the public benefits of the proposal, which are substantial and which are considered to outweigh the harm identified.
- 3.1.7 Further, there are no adverse impacts that would arise from granting permission that would significantly and demonstrably outweigh the benefits of the scheme arising.
- 3.1.8 It is therefore concluded that the proposed development: a) broadly accords with the Development Plan, which enshrines the presumption in favour of sustainable development at Policy OS1, and b) fully accords with all requirements of paragraph 11 of the NPPF. Planning permission should be granted for the development proposed, subject to reasonable and relevant conditions.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

E5NEW Local services and community facilities

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision

NPPF 2024

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for the development of the site for 78 residential dwellings (Use Class C3), allotments and site access, plus open space, drainage, landscaping and associated engineering works. A series of revised and additional documents have been submitted to address technical objections and concerns raised by your officers throughout the process thus far.
- 5.2 The site is located on the south-eastern edge of the village of Freeland and comprises an irregular shaped parcel of undeveloped grassland in the open countryside. It has a site area of approximately 5.3ha. and is located on the eastern side of Wroslyn Road, at its junction with Pigeon House Lane to the north. An existing site access point is located along Wroslyn Road, on the site's western edge. The Site has a largely flat topography, with a dip on the eastern edge at its lowest point. There are established hedgerows and trees around the full perimeter of the site. Residential development of various heights and designs border the Site to the north, Freeland Nurseries Garden Centre is to the west on the opposite side of Wroslyn Road and existing allotments abut the Site to the south. There is open countryside to the east and further south.
- 5.3 There are a number of listed buildings within close proximity to the site including Freeland Chapel and Greystones both grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane. The site also lies within the Wychwood Project Area.
- 5.4 This application follows a previously refused planning application (ref: 22/03356/FUL) for the 'Development of 80 residential dwellings (Use Class C3), community shop/café (Use Class E), allotments and site access, plus open space, drainage, landscaping and associated engineering works'.
- 5.5 The application was refused for the following reasons:

1. The proposed development is not limited development in an accessible location which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale or layout to

its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Freeland and would involve the loss of an important area of open space that makes a positive contribution to the character of the area. In addition, the proposed development would have an urbanising effect on the setting of heritage assets. This would lead to a higher scale of 'less than substantial' harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to the West Oxfordshire Local Plan 2011 Policies OS2, OS4, H2, EH2, EH9, EH11 and EH13, the West Oxfordshire Design Guide 2016, the national design Guide 2019, and the relevant paragraphs of the National Planning Policy Framework 2021.

2. Insufficient information has been submitted to determine whether there are significant effects on the transport network and to demonstrate safe and suitable access to the shop; the proposals do not provide safe and suitable access for all users and through over provision of car parking and insufficient cycle parking, the promotion of sustainable transport is limited. As such, the proposed development conflicts with West Oxfordshire Local Plan 2011 Policies T1, T2 and T3 and the relevant paragraphs of the National Planning Policy Framework 2021.

3. Insufficient drainage information has been submitted to ensure that the development is adequately drained in order to reduce flood risk, in conflict with Policy EH7 of the West Oxfordshire Local Plan 2011 and advice in National Planning Policy Framework 2021.

4. Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species or adequately compensated. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.

5. The applicant has not entered into a legal agreement to secure the provision of affordable housing or required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, T2 and T3 and the relevant paragraphs of the NPPF."

5.6 The proposal, the subject of this application, comprises a small reduction in the number of dwellings proposed previously from 80 to 78 and the removal of the proposed shop/café. The applicants have advised that the shop/café element has been removed from the scheme for viability reasons associated with its operation and to address some of the Council's concerns regarding heritage impact.

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

- Principle
- Layout, design and scale
- Impact on Landscape
- Impact on Heritage Assets
- Housing mix
- Accessibility/Highway Issues
- Flood Risk/Drainage/Water Supply

- Residential Amenity/Noise
- Trees/Biodiversity
- Other matters

Principle

The Development Plan

- 5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.9 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.
- 5.10 Freeland is classified in the Local Plan as a Village. It is one of the smaller villages in West Oxfordshire, with limited services and facilities. While the village does have a pub, church and village hall, there is not a shop or post office and the bus service is restricted. This is reflected in the Council's Settlement Sustainability Report (2016) which ranks Freeland 29th (out of 41 settlements) on an 'unweighted' basis and 28th (out of 41 settlements) on a 'weighted' basis due to a notable absence of key local facilities.
- 5.11 The application site is considered to be undeveloped land adjoining the built up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages...on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.
- 5.12 Policy OS2 advises that villages would be suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. The Policy also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - e) Conserve and enhance the natural, historic and built environment; and
 - f) Be supported by all the necessary infrastructure.

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

5.13 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. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 *inter alia* re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.14 For a combination of reasons relating to the changes identified above, your officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, your officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, your officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of residential development

5.15 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a strong 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 Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Layout/Design/Scale

- 5.16 Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.17 The design and layout of the proposed development has slightly evolved since the previous application was refused. The key changes relate to the removal of the shop/café from the front north-western part of the site, the reduction of two dwellings and reconfiguration of the section of development which runs along the northern boundary. The dwellings along this boundary are no longer set directly adjacent to Pigeon House Lane, but are off-set slightly so that more green space is provided between the proposed footpath and the boundary with Pigeon House Lane.
- 5.18 The submitted Design and Access Statement (DAS) sets out that 'the finish and design of the proposed development has had regard to its context and the village of Freeland, which contains a variety of building styles. The proposed design therefore seeks to take account of the character of the village by providing a modern interpretation of a traditional domestic building form' and that 'the considered design solution required an outward looking scheme to provide surveillance, activity and an attractive frontage.'
- 5.19 The layout of the development is very similar to the previously refused scheme and is still considered to be poorly designed resulting in a more engineered, car dominant environment through the use of cul-de-sacs. Your officers are of the opinion that connected environments work best for all users and all modes of transport. While there is a footpath wrapping around the entire site, the proposal fails to prioritise walking and cycling and pushes the majority of the open space to the periphery of the development with only a very small area of green space in the centre of the site and a modest area in the north western corner comprising a 'community orchard'. As such it is considered that the open space is not satisfactorily integrated into the landscape of the scheme and is poorly located for access by residents contrary to guidance in the National Design Guide.
- 5.20 The open space is proposed to be provided through:
- a) Allotment extension (20 plots) to the north of the existing allotments;
 - b) Wildlife habitat creation & new landscape planting plus community orchard;
 - c) Informal Play Area & equipped Local Area of Play;
 - d) Proposed internal pedestrian footpath links and Site perimeter walkway; and
 - e) Provision of sustainable urban drainage scheme through on-site attenuation basin / swale.
- 5.21 In terms of house types, the proposed plan forms are generally simple and traditionally proportioned, the roofs would feature typical steep pitches, and the dwellings would be finished in materials to include reconstituted stone and slate with some red brick in less prominent locations. The Parish Council has objected to the proposal on a number of grounds, including that: *'despite the recent revisions, the proposed layout and building designs are still disappointingly unimaginative and at odds with the surrounding dwellings. Some of the proposed house designs suffer from overly deep building spans (9m+) and shallow roof pitches. There is lack of traditional features such as dormer windows and projecting gables to break up the mass of the buildings means they fail to*

reflect or in any way complement the existing buildings in this location, adjacent to the most historic part of Freeland. The result is a scheme of very bland houses and bungalows with uniform eaves and ridge lines.

- 5.22 While the site is close to the more historic part of the village, Freeland does have a mix of dwelling styles and types where building materials are varied. The older (vernacular) properties tend to feature local stone, with stone dressings and slate roofs. Victorian period properties tend to feature red brick with stone dressings with later post-war properties in a mixture of buff brick and render. If the overriding refusal reason did not apply, then your officers would have recommended a condition to require the submission of materials samples prior to the commencement of the above ground level works.
- 5.23 The proposed boundary treatments include a mix of 1.8m recon stone walling and 1.8 close boarded fencing. Most of the fencing would be used internally to bound the private rear garden spaces, but there are some instances where it would be used in public facing areas. The way boundaries are designed can have a significant impact on the character of a development, particularly the relationship between the built form and areas with public access. In this case, your officers consider that the use of close boarded timber fencing in the public realm would be visually unattractive.
- 5.24 In the appeal for the extra care scheme on the opposite side of the road (Ref: PP/D3125/W/22/3293656) the Inspector described the character of Freeland as follows:

Freeland is a modestly sized, traditional rural village, identified in the West Oxfordshire Design Guide as having a 'Linear' and 'Dispersed' settlement pattern. I observed Freeland to be comprised of two distinct portions. The area known as The Green unfolds where the open countryside that characterises the route along Wroslyn Road from the south meets a loose-knit collection of detached properties in generous plots that are principally grouped around a small triangular green. Moving northwards along Wroslyn Road away from The Green there is a verdant punctuation where the instances of built form decrease, and the route is framed by the tree and hedgerow boundaries of undeveloped fields either side. Just past the driveway to Freeland House and north of Pigeon House Lane there is a transition to the main body of the settlement, distinguished by a more regular concentration of built form and a ribbon-like development pattern.

The discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.

- 5.25 The proposed development could represent an additional 198 people, equivalent to an increase of approximately 12% of the village's population. The appeal Inspector took the view that a population increase of around 13% to the settlement could not be considered to be 'limited'.
- 5.26 As recognised in that appeal, the character of this part of Freeland is very different to that of the main village to the north which has developed in depth. Here the built-form is one of limited linear development along Wroslyn Road, comprising a mix of mainly detached properties ranging from single storey to two storey houses. Similarly to the previously refused scheme (given that only very minor changes to the layout and house numbers are proposed) the layout and form of the proposed development would still be out of keeping with the more rural and

dispersed character of this part of the village. The development would conflict with Policy OS2 of the Local Plan in that it would involve the loss of open land that makes an important contribution to the character of the area; would fail to form a logical complement to the existing scale and pattern of development and/or the character of the area; would fail to protect or enhance the local landscape and setting of the settlement and would fail to conserve and enhance the natural, historic and built environment. The proposed development would therefore be of poor design quality in conflict with Policy OS4 of the Local Plan and both national and local design guidance.

Heritage Impact

5.27 There are a number of listed buildings within close proximity to the site including Freeland Chapel and Greystones both grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses and Policies EH9 and EH11 of the Local Plan reflect these duties. Policy EH13 of the Local Plan also seeks to protect the historic landscape character of the district.

5.28 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213).

5.29 The Council's Conservation Officer has raised an objection to the application advising that:

'the development scheme and design would be incongruous and too large-scale, and it would not preserve Freeland's historic landscape character. It would not resonate key features, nor respect the form and layout of the area, nor build on the pre-existing historic character (including e.g. street and building layouts). It would not respect the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the area. It would neither conserve nor enhance the special historic character of its surroundings.

Also, the development would have a harmful impact on the Freeland Chapel (list entry: 1053018) and Greystones (list entry: 1053017) - grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane - by significantly and negatively altering their previously undeveloped rural setting that currently consists of hedgerow and trees bounding an open field which has formed part of the existing linear and dispersed character of Freeland's settlement since at least the 18th / 19th century (as evidenced in Oxfordshire's HLC and 19th century OS Mapping).

Therefore, I raise an objection to the current proposal because it would not preserve the character, historic landscape character, and appearance of the settlement. Rather, it would have a harmful impact by infilling previously undeveloped rural land - eroding the historic linear and dispersed settlement pattern.

Also, it would not preserve the setting of the Freeland Chapel and Greystones (I consider there is a moderate to high level of less than substantial harm to the listed buildings as a result of harm to their setting).

- 5.30 The current proposal is contrary to P(LB&CA) Act 1990, NPPF Section 16, EH9, EH11 and EH13 and WODC Design Guidance.
- 5.31 Paragraph 215 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.32 In this case, the public benefits of the proposal include the provision of both market and affordable housing, and economic benefits associated with job creation and the construction phases. Conversely, great weight should be given to the conservation of heritage assets, and any harm to a heritage asset must be given considerable importance and weight. It is considered that the public benefits do not outweigh the higher scale of 'less than substantial harm' arising in this case. As per the Framework, this in itself provides a clear reason for refusing the development.
- 5.33 In terms of archaeology, the applicant has submitted the report of the geophysical survey carried out on the site, which identified a possible ring ditch in the proposal site. The County Council's Archaeological Officer has commented that these results will need to be investigated through a staged programmed of investigation which should be maintained throughout the construction period. Your officers would have sought to secure this via appropriately worded conditions had the overriding refusal reasons not applied.

Landscape Impact

- 5.34 The site lies within the Wooded Estatelands landscape character type (Oxfordshire Wildlife and Landscape Study 2004) and the Evesham Vale Character Area (West Oxfordshire Landscape Assessment (1998)). The landscape type is described as semi-enclosed rolling vale farmland. It displays the characteristics of this landscape type.
- 5.35 An updated Landscape and Visual Impact Assessment has been submitted in light of the previous refusal reasons and subsequent revisions proposed. Some of the key points set out in the report are as follows:
- It is anticipated that any lasting landscape and visual effects resulting from the proposed development would be within close proximity of the site;
 - The site's character would experience a moderate adverse effect as a result of the proposed development. This level is primarily the result of the change of use from agriculture to residential at a local scale.
 - Within the site, the Wooded Estatelands LCT and Semi-enclosed Rolling Vale Farmland LCT would experience a moderate adverse effect due to the proposed scheme, reducing to moderate/minor adverse for the immediate context and wider LCT's.
 - Overall, this would result in a minor adverse to negligible adverse effect on the Freeland settlement character.
 - The proposed scheme has been amended to respond to comments received as part of the planning application and refusal in April 2023. This has included changes to the layout including

additional areas of landscape planting to soften the likely visual effects of the scheme and integrate it into the surrounding landscape.

- 5.36 In the appeal decision referred to earlier in this report, the Planning Inspector made observations about the local landscape in the consideration of the development adjacent to Freeland House. Your officers consider that these comments are highly relevant to this site too as both parcels of land form part of the undeveloped area referred to below. The Inspector stated:

the discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.'

- 5.37 Concerns were raised by the Council's Landscape Officer in the consideration of the previously refused application where they stated that due to the scale and layout proposed, the development would erode the historic linear and dispersed settlement pattern, and that there was insufficient space for landscaping and the protection of trees within the site itself. While the Council do not currently have a dedicated Landscape Officer, your officers are of the opinion that the minor revisions made to the proposals do not satisfactorily overcome the landscape concerns raised as part of the previously refused application.
- 5.38 The proposed development would cause harm to the intrinsic character and quality of the site and wider locality and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. As such, the proposal would result in landscape harm, and this is a matter that must be put into the planning balance to weigh against the proposal.

Housing Mix

- 5.39 In terms of the market housing (50% of the development), the proposed mix is as follows:

2 bed - 8 dwellings
3 bed - 10 dwellings
4 bed - 17 dwellings
5 bed - 4 dwellings

- 5.40 This accords with the requirements of Policy H4 of the Local plan which seeks to provide a good, balanced mix of property types and sizes.

- 5.41 50% of the development (39 affordable homes) will be provided which will include 26 affordable rent, 3 shared ownership and 10 First Homes.

- 5.42 The affordable housing mix is as follows:

1 bed - 7 dwellings
2 bed - 18 dwellings
3 bed - 12 dwellings

4 bed - 2 dwellings

- 5.43 The Council's Housing Enabling Officer has advised that the proposed development is within the High Value zone and in accordance with policy H3, the submitted Affordable Housing statement confirms that 50% of the homes will be provided as affordable housing which could make an important contribution to local housing need.
- 5.44 Had the overriding refusal reasons not applied, then officers would have sought to secure the affordable housing provision via a S106 legal agreement.

Highways/Accessibility

- 5.45 The principal access (northern access) will be created via a new T junction, formed as a bellmouth junction with a 5.5m access width. This access point will act as the main access point onto the Site, serving 74 of the proposed 78 residential dwellings that are to be developed. There will be a new 2m footway along the eastern side of Wroslyn Road, to the north of the principal access. The footway continues to the existing T junction at Pigeon House Lane, where a new dropped kerb pedestrian crossing with tactile paving will be provided. The second access (southern access) is approximately 120m south of the principal access, along Wroslyn Road serving just 4 of the proposed new dwellings.
- 5.46 The submitted Transport Assessment (TA) concludes that the site has access to existing village services and amenities and is supported by suitable pedestrian infrastructure and public transport links for destinations further afield, including bus and rail and that approval of the planning application will not result in a severe or unacceptable impact upon the operation or safety of the surrounding local highway network.
- 5.47 As it stands, there is currently a highways related refusal reason recommended based on the comments received to date. Additional information has been submitted by the application to address these matters. Your officers will provide the committee with an update in the additional representations report circulated to Members before the committee meeting to advise if the objections have been overcome and if the refusal reason can be omitted or not.

Flood Risk/Drainage/Water Supply

- 5.48 A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The report concludes that the entirety of the site is confirmed to be within Flood Zone 1 and at low risk of flooding from all other potential flood sources considered.
- 5.49 The Lead Local Flood Authority (OCC) has raised no objections to the application and the proposed drainage strategy, subject to the imposition of a number of conditions.
- 5.50 Thames Water has raised no objections to the proposals in terms of foul and surface water, but has identified an inability in the existing sewage treatment works infrastructure and water network to accommodate the needs of this development proposal. Thames Water have recognised that upgrade works are ongoing at the Church Hanborough STW (to accommodate this and other developments in the local area) which are due to be completed in April 2025. Therefore, the imposition of Grampian conditions has been proposed to ensure the required upgrade works are completed before the development is occupied.

- 5.51 The Environment Agency has provided the following response in relation to the water environment:

Upgrades and/or improvements need to be undertaken there (Church Hanborough STW) in order to support development within this STW catchment.

Any development connecting to Church Hanborough STW may lead to a deterioration of the water environment in Evenlode (Glyme to Thames). This will be contrary to the advice and guidance in paragraph 180 (e) of the NPPF and the Thames River Basin Management Plan and is of concern to the Environment Agency.

Due to the nature of this application the Environment Agency are unable to provide you with bespoke planning comments on water quality impacts arising from wastewater disposal at this development. We urge you, as the planning decision maker, to be aware of the situation. We recommend that you carefully review developments which propose to connect to this STW and assess the impact the connection proposals could have on the water environment.

Trees/Biodiversity

- 5.52 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 5.53 The Council's Ecologist and the BBO Wildlife Trust have raised objections to the application in relation to the impact on protected species and the provision of the required statutory BNG. Additional information has since been submitted to seek to address these objections. However, the response from the Council's Ecologist remains outstanding at the time of writing this report.
- 5.54 As it stands, there is currently a biodiversity related refusal reason recommended based on the comments received to date. Your officers will provide members with an update in the additional representations report circulated to Members before the committee meeting to advise if the objections have been overcome and if the refusal reason can be omitted or not.

Residential Amenity/Noise/Air Quality

- 5.55 The nearest residential properties are located to the west of the site, which front onto the opposite side of Pigeon House Lane. There is also a generous set back from the boundary with an existing landscaped boundary. In terms of internal layout, the development has adequate separation distances and as such your officers are satisfied that the proposed development will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts. No objection is raised by the Environmental Health Team subject to conditions relating to agreement of a Construction Management Plan and potential contamination issues.

Other matters

- 5.56 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.
- 5.57 Financial contributions for public transport, travel plans, public rights of way, education, waste management and NHS primary care infrastructure and the provision and management of affordable housing provision, recreation, play areas and open spaces, would have been sought to be secured, in accordance with the recommendations set out by the relevant statutory consultees, via a S106 legal agreement had the overriding refusal reasons not applied.
- 5.58 If members are minded to approve the application, contrary to the recommendations set out in this report, then your officers would seek delegated authority to seek the submission of a s106 agreement to secure the matters mentioned above, and to discuss/ seek to secure any other potential financial contribution requests (that are CIL compliant) with the parish council ahead of a decision being issued.
- 5.59 The financial contribution requests are set out as follows:
- Public Art: £8,190 towards public art as interpretation in the vicinity of the site. This is based on a calculation of £210 per house of market housing and assumes 50% of the development will comprise such properties.
 - Outdoor pitch provision and ancillary facilities: £154,301.24 towards enhancements and improvements to sports facilities within the catchment area.
 - Artificial pitch provision: £5,545 towards the cost of a replacement or improvement to artificial pitches in the catchment area.
 - Sport hall/ studio provision: £40,154 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
 - Swimming pool provision: £44,374 towards the cost of an enhancement or improvement to pools in the catchment area.
 - NHS Primary Care Infrastructure: £73,404.00
 - Highways Works: £25,000 to support reduced speeds on Wroslyn Road.
 - Public transport services: £103,428 to support the continued provision / enhancement of bus services serving Freeland.
 - Public transport infrastructure (if not dealt with under S278/S38 agreement): £2,848 to install new poles, flags and timetable cases to improve bus stops serving the site.
 - (Transport total - £131,276)
 - Primary and nursery education: £547,462 for primary education capacity serving the development.
 - Secondary education: £631,503 - Secondary education capacity serving the development.

- Special education: £44,871 - Special school education capacity serving the development
 - (Education total - £1,223,836)
 - Waste: £7,947 towards Household Waste Recycling Centres
- 5.60 An obligation to enter into a S278 Agreement will also be required to secure mitigation/improvement works, including:
- Vehicle accesses
 - Dropped kerb crossing to allotments.
 - Cycle safety/traffic calming measures on Wroslyn Road.
 - Pedestrian / Cycle Connection onto Pigeon House Lane.

Conclusion and Planning Balance

- 5.61 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As the Council cannot demonstrate evidence of a five year supply of deliverable housing sites, the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.
- 5.62 Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless:
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.63 In terms of the benefits of the scheme, the NPPF seeks to significantly boost the supply of homes and while the proposal would make a significant increase in the population of Freeland itself, it would make a relatively modest contribution to the overall housing supply required in the district (including 50% affordable). The development would also provide short term and long term economic benefits through employment during the build process and increased expenditure in the local area. However, given the relatively modest contribution to the districts housing stock, moderate weight is attached to these benefits.
- 5.64 Further, as set out in the report above, the provision of the public open space and a new footpath around the site are also considered to be minor benefits which would serve the future occupants of the development (but not very successfully as they are not well connected within the layout of the proposal)and have limited wider benefit to the existing community, so little weight is given to these in the wider planning balance. The extension of the existing allotments to provide 20 additional plots is considered to be a public benefit. However, again, given the modest scale and number of plots provided, while it is a positive thing, it will only benefit a small number of the local population, so limited weight is attached to this too.
- 5.65 Moving to the adverse impacts. This is an undeveloped, greenfield site on the southern edge of Freeland. It is an important part of the rural setting of the village which provides a significant gap

forming the historic landscape. For the reasons outlined in the report above, your officers are of the opinion that the proposal would result in a transformative impact upon the settlement pattern of the village which currently benefits from an open and decidedly rural setting to this part of Freeland. The proposed development would not amount to limited development and fails to respect the village character and local distinctiveness, in conflict with Policy OS2 of the Local Plan.

- 5.66 Further, the proposed development would have an urbanising effect on the setting of heritage assets. This would lead to a higher level of 'less than substantial' harm to the setting and significance of the assets which is not outweighed by public benefits as set out above. As explained in the Framework, heritage assets should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations and great weight should be given to the conservation of such assets. The harm arising in this case provides a clear reason for refusing the development.
- 5.67 The Local Highway Authority has also identified that the proposal fails to demonstrate safe and suitable access for all users contrary to Policy T2 of the West Oxfordshire Local Plan 2031 and paragraphs 114 and 116 of the National Planning Policy Framework.
- 5.68 The application also fails to satisfactorily demonstrate that it can deliver the required biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), and insufficient information has been submitted in particular, ecological survey information, assessment and/or mitigation to enable the LPA to fully assess the extent to which species and habitats.
- 5.69 Turning to the wider planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission with regard to the impact on the protected heritage assets, setting and character of the village, ecological impacts and highways safety would significantly and demonstrably outweigh the benefits and as such, planning permission should be refused. Further, the policies in the Framework that protect designated heritage assets provide a clear reason for refusing the development.

6 REASONS FOR REFUSAL

1 The proposed development is not limited development in an accessible location which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale or layout to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Freeland and would involve the loss of an important area of open space that makes a positive contribution to the character of the area. In addition, the proposed development would have an urbanising effect on the setting of heritage assets. This would lead to a higher scale of 'less than substantial' harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to Policies OS2, OS4, H2, EH2, EH9, EH11 and EH13 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant provisions of the National Planning Policy Framework 2024.

2 Insufficient information has been submitted to demonstrate safe and suitable access for all users. As such, the proposed development conflicts with Policies T1, T2 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the National Planning Policy Framework 2024.

3 Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Further, it has not been demonstrated that the requirements of statutory Biodiversity Net Gain can be met. Therefore, the proposal does not comply with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraphs 180, 185 and 186 of the NPPF, and Local Plan Policy EH3.

4 The benefits associated with the provision of 78 dwellings (50% affordable), the potential for biodiversity net gain, and provision of public open space, a play area, new allotments and footpaths, are afforded little to moderate weight given the scale of the development and the modest contribution that these houses would make to the overall housing land supply shortfall. Turning to the wider planning balance as directed by paragraph 11d of the NPPF, the adverse impacts of granting planning permission with regard to the impact on the protected heritage assets, historic landscape character, setting and character of the village, biodiversity and highways safety and convenience would significantly and demonstrably outweigh the benefits. The development is contrary to policies OS2, OS4, H2, EH2, EH3, EH9, EH11, EH13, T1, T2 and T3 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, and the provisions of the NPPF, in particular paragraphs 11d and 215.

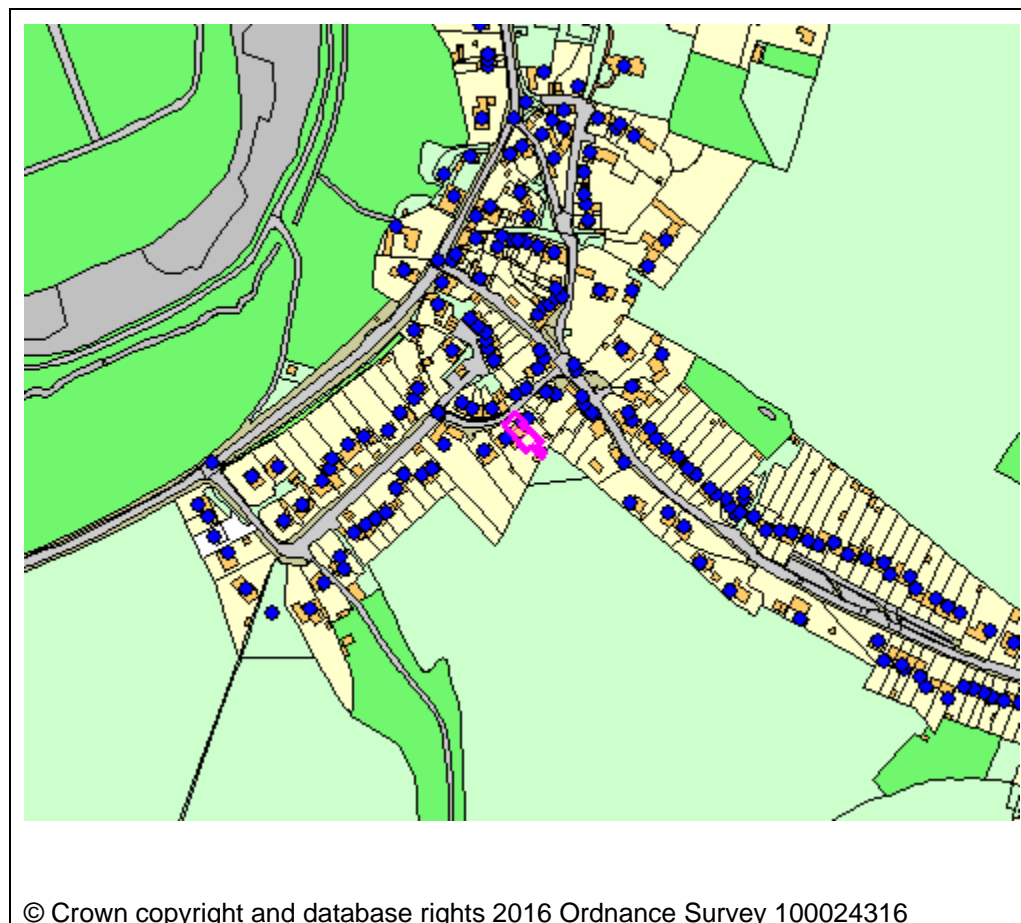
Contact Officer: Stephanie Eldridge

Telephone Number:

Date: 5th March 2025

Application Number	24/03161/HHD
Site Address	3 Manor Road Bladon Woodstock Oxfordshire OX20 1RT
Date	5th March 2025
Officer	Nathan Harris
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	444850 E 214591 N
Committee Date	17th March 2025

Location Map



Application Details:

Proposed single storey front extension, garage conversion and alterations.

Applicant Details:

Ms Kelly McIntyre

3 Manor Road
Bladon
Oxfordshire
OX20 1RT

I CONSULTATIONS

Parish Council	No Comment Received.
OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

2 REPRESENTATIONS

2.1 No comments received.

3 APPLICANT'S CASE

3.1 The Design and Access Statement submitted in support of the application is concluded as follows:

The proposals are to convert the existing garage, under the permitted development rules, to create a bedroom & ensuite bathroom. In addition to this the proposal is to extend at the front of the existing garage to create a utility room which will be contained below the existing projecting canopy & pitched roof.

A new set of bi-folding doors are also proposed to the rear of the kitchen but again this falls under the permitted development rules.

The extension will be subservient in size and scale to the existing dwelling with the design & materials to match the existing & the adjacent properties.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
EH10 Conservation Areas
DESGUI West Oxfordshire Design Guide
NPPF 2024
NATDES National Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The application seeks consent for the conversion of the existing garage, a single storey extension and further alterations to the fenestration at the rear of the property at 3 Manor

Road, Bladon. The dwelling is a three storey, semi detached property with an attached garage which is located within the Bladon Conservation Area and The Oxford Green Belt.

- 5.2 Officers are aware that the majority of the proposed works could be undertaken under The Town and Country Planning (General Permitted Development) Order 2015, with only the single storey extension requiring planning permission, but for clarity the whole works are under consideration.
- 5.3 The application is before Members of the sub-committee as the applicant is a member of staff.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design and Impact on Heritage Assets
 - Impact on the Oxford Green Belt
 - Residential Amenity
 - Highways

Design and Impact on Heritage Assets

- 5.5 The site is situated within Bladon Conservation Area, officers are required to consider 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.
- 5.6 In this case, due to the modest increase of footprint of the proposal, which is in proportion to the property and by virtue of its form and use of materials would preserve the character and appearance of the host dwelling, your officers consider that the proposals would be acceptable in design terms and respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Impact on the Oxford Green Belt

- 5.7 The site is situated within the Oxford Green Belt, officers are required to consider the impact of the development on the Oxford Green Belt, Officers must take into consideration Policy OS2 of the adopted WOLP 2031 which allows for limited extension of existing dwellings within the Green Belt. In this case, by virtue of its scale and the design, Officers consider that the proposed does not materially impact on the openness, rural character or visual amenity of the Oxford Green Belt.

Highways

- 5.8 The proposal does not seek to alter the existing access to the site and the existing parking provision will remain unchanged. OCC Highways have been consulted on the application and 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.

Residential Amenities

- 5.9 WOLP Policy OS2 states that development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality. It further states that development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.10 Given the siting of the single storey extension, the proposal would not result in any overbearing or overlooking in regards to neighbouring amenity. As such, your officers consider the application is acceptable in this regard.

Conclusion

- 5.11 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H6, T4 and EH10 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

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.

Contact Officer: Nathan Harris

Telephone Number:

Date: 5th March 2025