

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 21st July 2025

REPORT OF THE HEAD OF PLANNING



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 Head of Planning.
The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

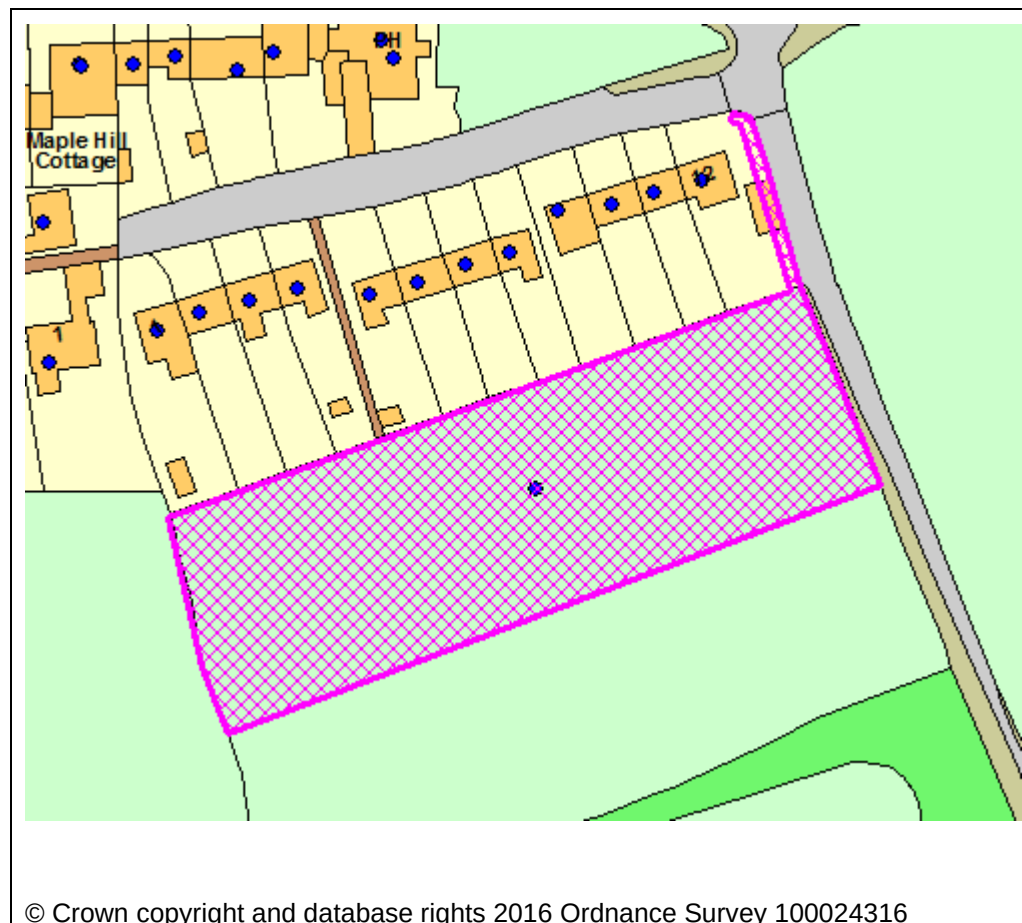
Please note that:

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

Item	Application Number	Address	Officer
	23/01422/FUL	Land West Of Greenwich Lane	Stephanie Eldridge
	23/03071/FUL	Land South Of Forest Road	Mike Cassidy

Application Number	23/01422/FUL
Site Address	Land West Of Greenwich Lane Leaffield Oxfordshire
Date	9th July 2025
Officer	Stephanie Eldridge
Officer Recommendations	Approve subject to Legal Agreement
Parish	Leaffield Parish Council
Grid Reference	432518 E 215396 N
Committee Date	21st July 2025

Location Map



Application Details:

Development of seven houses and a two storey block of four flats and associated works to include widening of Greenwich Lane

Applicant Details:

Mr John Smith
Doric House
Browns Lane
Charlbury
Chipping Norton
Oxfordshire
OX7 3QW

I CONSULTATIONS

Major Planning Applications
Team

Highways:
No objection subject to S106 Contributions and conditions

Lead Local Flood Authority:
No Objection subject to conditions.

Waste Management:
No objection subject to S106 contributions

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

Education:
No objection subject to S106 Contributions

Archaeology:
The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

District Ecologist

Acceptable, subject to conditions.

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 applicant has liaised with the Council in advance of submitting this application and is proposing to develop the scheme as 100% affordable housing. Of the applicants registered on the Council's Homeseeker+ affordable housing lettings system for rental housing that have indicated Leaffield or a directly adjacent parish as an area of preference, the following house types are required to meet housing need:

1 bed (1 person): 36
1 bed (2 person): 14
2 bed: 23
3 bed: 10
4 bed +: 5
Total: 88

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

Over the last 12 months lettings of affordable housing in Leafield have received on average 37 bids per letting.

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

Silver: 12
Bronze: 76
Total: 88

The bandings are used to assess an applicant's housing needs and are broadly explained as:

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

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

As a 100% affordable housing scheme this development would make an important contribution to local housing need. In addition to the 1333 applicants shown above, there are a further 2137 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

WODC Planning Policy
Manager

Ordinarily, speculative residential proposals on undeveloped land adjoining the built area of villages such as Leafield will only be permitted where convincing evidence is presented to demonstrate that it meets identified housing needs and accords with other relevant policies including H1 and OS2.

As outlined above, the Council is currently unable to demonstrate a 5-year supply of deliverable housing land which is a material consideration that needs to be taken into account in determining this application - both in terms of the weight that can be afforded to Policy H2 and other relevant policies and also the benefits to housing supply that would accrue from the provision of 11 additional new homes in this location when weighed against the identified harms.

Env Health - Uplands	No objection subject to conditions.
ERS Contamination	Review of the historical maps we hold suggest that the proposed development site has remained undeveloped over time. Given the proposed residential use of the site please consider adding a condition to any grant of permission.
Natural England	No Comment Received.
Thames Water	With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Waste Comments: We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request [suitable] condition be added to any planning permission.
WODC Tree Officer	Trees are not a major constraint at this site but the boundary vegetation is important and the survey data contained in the tree report will be useful to anyone drawing up detailed landscape and ecology proposals. Yes, I suggest detailed landscape proposals should be provided with such an application. This is particularly the case due to the AONB status, adjacent to the Conservation Area and an unallocated site within open countryside. However, before requesting this information, it would seem sensible to bottom out the housing need assessment work. It would be pointless and expensive for the applicant to spend money on detailed landscape drawings if the application failed on fundamental policy grounds. If there are strong policy reasons to accept the principle of development, we can look in more detail at possible layouts. As it stands, encroachment of development into open countryside, within

the setting of the CA, and in a manner that is beyond the settlement boundary and not respecting the existing settlement pattern, mean that it could be difficult to justify supporting the scheme. The field pattern to the south of the village is particularly interesting and historically rich.

A few points having had a quick look through the application documents.

- The access route to the site is different in the Highway Assessment compared to the submitted housing layout.
- Need to consider the impact of sight lines on hedgerow removal at the entrance to the site from Greenwich Lane.
- What happens to the residual land in the field to the south of the access road? Opportunities for enhancement, responsibility for maintenance etc?
- Further work would be required on the layout design to avoid a long row of parked vehicles being the defining characteristic of the new road and mitigation to soften and integrate the development into the surrounding countryside.

Conservation And Design
Officer

No objection.

Designing Out Crime Officer

I offer the following advice to the applicant to reduce the potential risk of crime and anti-social behaviour. Secured By Design offers numerous crime prevention design guides for varying applications including residential developments. I would strongly advise that the applicant reviews Homes 2023 and incorporates the general principles of the scheme.

WODC - Sports

No Comment Received.

Parish Council

June 2023:

Leaffield Parish Council wishes to make the following comments:
Construction in an AONB, and adjacent to the Leaffield Conservation Area:

- The application notes that Policy EHI of the West Oxfordshire Development Plan states that "Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes and small scale renewable energy development, will be supported, provided they are consistent with
- the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area". However, the application does not itself explicitly commit that the housing provided will be 100% affordable, as has apparently been stated to the WODC housing officer. A clear condition should be stipulated in this regard, given that

it seems to be the main justification for expanding into the AONB.

- Policy EH1 also states that major development is not permitted in an AONB. If the LPA is minded to approve this application, it should be subject to a prohibition on any further development of the immediately adjacent land, to avoid the possibility of de facto major development through incremental smaller projects.
- The style and design of buildings should be consistent with the buildings in the immediately adjacent Leafield Conservation Area, and it should be a condition that the development be incorporated into the existing Conservation Area once built.
- Utility issues - the Council is concerned about the following:
 - The new development is likely to exacerbate the current low water pressure in the direct locality. This is already an ongoing issue for Leafield residents. The comments by Thames Water notes a current inability to supply this new development (and it already struggles to reliably supply its existing clients in Leafield).
 - Parking and transport - the Council notes the lack of public transport from Leafield, with currently only 3 services a day. In the Council's view, the S106 amount of £14,000 proposed by OCC is unlikely to significantly improve the frequency of public transport services.
 - Occupants, therefore, are likely to need their own cars and/or e-scooters (given the distance to travel and hilly terrain). In this context, the Council believes it is important that the design should address the following points:
 - Although the parking level is consistent with OCC's "Parking standards for new developments", there is no visitor parking for cars or cycles (para 4.11).
 - No cycle storage facilities have been provided (para 4.11 and Table 1).
 - The sustainability plan states that EV charging facilities will be provided, but the design does not show how this will work, especially for the multiple occupant buildings.
- Environmental issues - the Council wishes also to highlight residents' concerns about environmental issues, and requests that if the LPA is minded to approve the application, they consider including the following requirements within the planning approval:
 - That bird boxes are erected and bee bricks installed, as per the Preliminary Ecological Appraisal.
 - That permeable fences and walls are erected to allow hedgehog movement as per the Preliminary Ecological Appraisal.
 - That a new planting scheme is created to maximise biodiversity on the site.
 - That better mitigation or offsets should be made for the removal of mature deciduous trees from the site (including

- two healthy elm trees).
- S106 - If the LPA is minded to approve this application, the Council requests an S106 contribution in the order of £10,000 towards maintenance and upgrade of village facilities, including the playground and the Village Hall, which will benefit the new occupants.

Cotswolds Conservation Board The Board supports the provision of affordable housing within the National Landscape as reflected by Policy CE12 of the National Landscape Management Plan 2023-2025 and our Housing Position Statement. However, such provision should be based on robust evidence of local need arising from within the National Landscape.

Having considered the additional information provided by the Strategic Housing and Development Officer dated 31 August 2023, the Board considers in this instance there is a reasonable likelihood that, in the absence of an up-to-date Housing Needs Survey specific to Leaffield, this development would respond to a specific local need for affordable housing arising within the Cotswolds National Landscape. As such we wish to withdraw our holding objection on this matter.

However, our previous responses (dated 26 June 2023 and 7 August 2023) have highlighted the Board's concerns on matters relating landscape and visual impact, landscaping and design (particularly given the similar comments received from the Council's Planning Policy team) and lighting. Therefore, we wish at present to maintain our holding objection to this application.

Parish Council

April 2025:

Further to the letter sent to Peter Morgan regarding planning application 23/01422/FUL on 29 June 2023 which expressed a number of concerns, Leaffield Parish Council wishes to make the following amendment and add further comments.

The Council resolved at its meeting on 15th April 2025 to change its comment regarding the above application to an objection, in light of a new issue which has been brought to the Council's attention. Furthermore, in light of this objection, as well as the broad opposition from the public (with over 50 objections registered), the Parish Council also requests that this application goes before the Planning Committee, rather than being decided using officer delegated authority.

Following meetings with residents, the Council has been made aware that there are serious concerns regarding sewerage issues in the locality, in addition to the already noted comment from Thames Water that there is a current inability to supply water to the new development. Storm water and foul water in the vicinity feed into the

same drains, handled by the local pumping station.

The existing sewerage system is unable, on occasion, to cope with current levels of sewage and waste water, and over the last two years there have been several instances of raw sewage on and around Leafield Road near the pumping station. It is therefore evident that the current sewerage system will be unable to service the new development.

Environment Agency

No Comment Received.

2 REPRESENTATIONS

2.1 46 representations were received in 2023 from the general public in objection to the proposed development on the following grounds:

- Increase the traffic using Greenwich Lane creating a safety risk for any user of the lane.
- Lower end is already heavily congested with traffic driving at top speed despite the recent traffic calming measures that have been put in place.
- The block plan confirms that the existing field entrance is not the proposed access point and that there will be a new entrance halfway down the field together with road widening. This will destroy the ancient hedgerow, dry stone wall and accompanying wildlife habitat and impact traffic safety.
- Water supply is a serious problem for existing local residents.
- Thames Water have confirmed that their infrastructure cannot support a new development of this size.
- The site is grassland and shrubs with mature trees and much wildlife.
- Felling of a significant number of trees which must not be allowed.
- Lane used for walking, cycling and horse riding.
- It is a tranquil area with abundant wildlife and this housing estate will ruin this completely.
- No justification for development outside of the village envelope in an area of outstanding natural beauty,
- Village infrastructure insufficient.
- Loss of countryside and habitat.
- The development does not conserve or enhance the setting of the Conservation Area or Historic Environment.
- The application contradicts Policy EH2 given the impact on the Wychwood Project Area. Given the site's special protection status, the application should be rejected.
- The local planning authorities should bring forward brownfield sites for development;
- The resubmission does not appear to have addressed the objections.
- The character of Greenwich Lane will be irrevocably damaged.
- destroy an area of outstanding natural beauty (AONB).
- increase traffic will hazardous for walkers, cyclists and horse riders.
- This site is important habitat for protected species including Common lizards, Grass snakes and Adders and bats.

- the ecology report is inadequate and does not at all reflect the reality of this important habitat.
- this plan does not adequately address the need for such a development on a greenfield site in an AONB, especially as it extends the village envelope into the countryside.
- social housing, sites in Burford and Charlbury should be prioritised over greenfield.
- the design and layout of the proposed development is of very poor quality.

2.2 A further 5 representations were received in Spring 2025 reiterating the above comments and raising concerns works had started on site.

3 APPLICANT'S CASE

3.1 The Design and Access statement is summarised as follows:

Use

The proposal is to provide a mix of house types to satisfy local need as identified by the Housing Association.

Amount

The proposed layout shows a total of 11 units which comprises of 2 pairs of semi-detached 2 bedroom (4 person) houses, a pair of semi-detached 3 bedroom (5 person) houses, a detached 3 bedroom (5 person) house and a block of 4 number 1 bedroom (2 person) flats.

Each property has been individually designed to exceed the minimum space standards as set out in national guidelines.

Layout

The linear layout of the proposal reflects that of the properties along Greenwich Lane immediately to the north of the site. Each property will face the new access road with private garden space to the rear.

Scale

All the properties will be 2 storey with pitched roofs reflecting the design and scale of dwellings in the vicinity. The proposal is to construct two pairs of semi-detached (2- bedroom) properties each with a floor area of 80m², a pair of semi-detached (3-bedroom) properties each with a floor area of 94m², a detached (3-bedroom) property with a floor area of 105m² and a block of (1-bedroom) apartments which will each have a floor area of 50m².

Landscaping

Landscaping of the site is indicated on the submitted Site Plan. The existing boundaries to the north and west will be unaffected by the proposal and new (native) hedgerows are proposed to the east and south boundaries. To the front of the properties hard standings will be provided for parking areas with some soft landscaping (and tree planting) and rear garden spaces will be laid to lawn with some patio areas. The boundaries separating the individual properties will be defined by 1.8m high close boarded fencing to provide privacy.

Access

Access to the development will be from a new access road as indicated. The proposal will necessitate the widening of a section of Greenwich Lane including the provision of a

footpath/pavement linking the development to the existing footpath/pavement to the north of the site. From the parking area of each property a level access will be provided to each front door.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

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

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks permission for seven houses and a two-storey block containing four flats (total of 11 residential units), the creation of new vehicular access off Greenwich Lane, and the junction of Leafield Road/Greenwich Lane, associated landscape planting, associated infrastructure, drainage measures, and all other associated works. The scheme will be 100% affordable housing.

5.2 The application site consists of agricultural land and is surrounded by open countryside to the east, west, and south, and forms a large paddock located behind 1-12 Greenwich Lane. The land adjoins the edge of the Leafield Conservation Area and is entirely within the Cotswolds National Landscape (formerly the Cotswold AONB). There are no listed buildings in close proximity to the site.

Planning History

5.3 22/02148/FUL - Development of seven houses and a two-storey block of four flats with associated works to include widening of Greenwich Lane, Land West Of Greenwich Lane, Leafield, Oxfordshire - Withdrawn.

Principle of development

Development Plan

5.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations

indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

National Policy/Guidance

5.5 The National Planning Policy Framework ('NPPF') sets out the Government's planning policies and how these are expected to be applied and was revised in December 2024. 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.

5.6 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, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 this 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.

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

5.7 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).

5.8 For a combination of reasons relating to the changes identified above, 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.

Conclusions on the principle of residential development

5.9 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.

5.10 In respect of bullet point i), detailed above, specific policies of the NPPF relating to designated heritage assets and National Landscapes are relevant.

5.11 The application site is undeveloped land adjoining the built-up area of Leafield. Policy H2 states that new residential development will be supported in 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 in accordance with the distribution of housing set out in Policy H1. It is in accordance with other policies in the plan, in particular, the general principles in Policy OS2.

5.12 As the application proposes over 10 residential units, it would meet the major development' definition set out in The Town and Country Planning (Development Management Procedure) (England) Order 2010. However, the site is located within the Cotswolds National Landscape. Paragraph 190 of the NPPF states, when considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

5.13 The NPPF states, 'For the purposes of paragraphs 189 and 190, whether a proposal is 'major development' is a matter for the decision maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

- 5.14 Whether the nature, scale and setting would have significant adverse effects is an assessment that must be made based on the information provided, consultee advice and a thorough site assessment.
- 5.15 If the proposal is deemed to be a major development, the onus is on the applicant to demonstrate and consider the following:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it or refusing it upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.16 The application proposal is to erect 11 residential units comprising 7 houses (6 semi-detached and a detached dwelling) and 4 flats within a housing block. The site layout would consist of the carriageway for two-way traffic, with two visitor parking spaces, and the dwellings set back behind front gardens with tandem parking for two vehicles against the side elevations of each house.
- 5.17 The application site extends to approximately 0.04 hectares and occupies a portion of a field to the rear of no.1-12 Greenwich Lane. The site does not lie contiguous with the built area of the Village but abuts up against the rear of 1-12 Greenwich Lane which lie adjacent to the settlement edge. The site is visually contained by intervening buildings and significant vegetation cover, including a wooded lane, and is not therefore, characteristic of the wider open landscape. The site is entirely bounded by a mature wooded boundary, and whilst the remaining land within the applicant's ownership may become available for development, the accumulative impact of further development could be construed as "major" development within the national landscape (for the purposes of paragraph 61 of the NPPF), which could be prohibitive.
- 5.18 The development of the site would not remove features that detract from local character, and there are no particularly attractive features within the application site. As highlighted within the LVIA, the site is not visible from nearby public open spaces, and other than the rear of adjacent dwellings, the proposed development would not adversely impact important views into or out of Leafield.
- 5.19 Therefore, given the nature and scale of the development and its setting, the application proposal is not considered to be 'major' development for the purposes of paragraphs 189 and 190 of the NPPF.

Existing Site

- 5.20 The Landscape Visual Impact Assessment describes the site as consisting of a single small field which is unmanaged and scrubbing up in parts with bramble and blackthorn invasion. The Site is largely level at approximately 169m Above Ordnance Datum. Beyond the site to the south and east, the land is mostly smoothly rolling but with a general tendency for levels to reduce going southwards. The rolling topography is more pronounced north of Leafield. The topography, combined with open fields and limited hedgerows, gives the landscape around Leafield an expansive feel with long views across the fields.
- 5.21 The site is bounded north by the rear gardens of no.1-12 Greenwich Lane, and the boundary comprises a mix of garden fencing and bramble scrub. There is significant tree and shrub vegetation within the back gardens of the adjacent houses. The western boundary is an overgrown hedge

where blackthorn scrub has expanded from the boundary line, with some trees sited in this section. The southern boundary of the site lies approximately midway within the open field.

- 5.22 Greenwich Lane, which bounds the site to the east, contains mature trees and shrubs, and the eastern side of the Lane has a well-established hedgerow which provides enclosure of the settlement edge from the countryside beyond. There is a gap in this vegetation where the present entrance to the field is located).

Landscape Impact

- 5.23 The site is located in the CNL, paragraph 189 of the NPPF states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues." Conservation and enhancement of National Landscape include the landscape and countryside, and its wildlife and cultural heritage.
- 5.24 The Council cannot currently demonstrate a 5-year supply of deliverable land. Therefore, paragraph 11(d) of the NPPF is engaged. Footnote 7 of the NPPF is clear that the CNL designation may in itself provide a clear reason for refusing the development proposed.
- 5.25 The submitted Landscape and Visual Impact Appraisal has assessed the effects of the development on the Conservation Area, the track running to the east of the site and the wider landscape within the National Landscape, and concluded that:

"There will be local very minor changes to the topography of this gently sloping site.

The protection, retention, and enhancement of almost all the existing mature landscape boundary features is an important feature of the proposed landscape and visual mitigation. A landscape framework of retained and hedgerows and new planting will serve to visually contain the development within the immediate site environs and assimilate it into the immediate setting and wider local landscape, all of which lies within the CNL.

None of the identified Special Qualities of the CNL would be adversely affected by the proposed development.

Residential receptors are amongst the most sensitive to visual effects. Only adjacent properties along the northern Site boundary would potentially experience substantial residual adverse visual effects.

*There would be negligible residual adverse visual effects on road users in the vicinity.
There would be minor adverse visual effects on the amenity of users of an adjacent short section of the promoted Wychwood Way.*

There would be no substantial residual effects on the visual setting of the Leafield Conservation Area.

The overall conclusion is that this development proposal complies with the raft of applicable national, regional, and local planning policies related to the landscape."

- 5.26 Policy EHI of the Local Plan states that the Cotswolds Conservation Board's Management Plan and guidance documents are material considerations in decision-making relevant to the National Landscape. Cotswold National Landscape Management Board comments state the following: -

- 5.27 Referring to Policy CE1 of the Cotswolds AONB Management Plan, Cotswold National Landscape (CNL) states that proposals that are likely to impact or create change in the landscape of the Cotswolds AONB should have regard to be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment ('LCA') and Landscape Strategy and Guidelines ('LS&G'). Proposals that are likely to impact on or create change in the landscape of the Cotswolds AONB should have regard to the scenic quality of the location and its setting and ensure that views and visual amenity are conserved and enhanced.
- 5.28 Section 9.1 of the LS&G describes how, inter alia, i) the intrusion of expanded settlement fringes into the landscape, ii) the erosion of distinctive settlement patterns due to settlement growth, iii) the proliferation of suburban building styles and layouts and iv) the upgrading of minor roads and lanes are all potential adverse landscape implications of proposals such as this.
- 5.29 Policy OS2 of the Local Plan also requires that development form a logical complement to the existing scale and pattern of development and/or character of the area and, as far as is reasonably possible, protect or enhance the local landscape and setting of settlements.
- 5.30 The LVIA concludes that the proposed development would respect and complement the local landscape character of the area, including the settlement form. Cotswold National Landscape (CNL) have withdrawn their initial holding objection regarding the principle but retain concerns about the character of the new proposal, where development is linear in form along Lower End/Leafield Road and would comprise a 'bolt-on' development, extending the line of built form further south. Notwithstanding the enclosed nature of the site and its relative lack of contribution to landscape character, they have concerns it may not accord with the advice within the LS&G outlined above and the requirements of West Oxfordshire Local Plan Policy OS2.
- 5.31 In your officers assessment, the new housing will be built in a small, enclosed field next to the built edge of Leafield. The proposed additional hedgerow and tree planting will match the area's character, and the retention and enhancement of almost all the existing mature landscape boundary features is an important feature of the proposed landscape and visual mitigation. A landscape framework of retained hedgerows and new planting will visually contain the development within the immediate site environs and assimilate it into the immediate setting and wider local landscape, all of which lies within the CNL. The proposed development would not adversely affect any of the identified Special Qualities of the CNL. It is considered that the proposed development would complement this part of the village and preserve the local landscape character of the area. As such, even having applied great weight, the impacts are not such as would report refusal.
- 5.32 The 2023 Levelling Up and Regeneration Act (LURA) further strengthened the requirement for National Landscapes to be conserved. Coming into force on the 26 December 2023 the LURA placed a duty on relevant authorities to 'seek to further' the statutory purposes of protected landscapes which are "conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated"; and "promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public". The Guidance relating to this requirement published in December 2024 notes that regard should be had to the Management Plan of the protected landscape in the consideration of development proposals.
- 5.33 The proposed development is located in a contained area of land which has no significant prominence on the wider area and does not erode the character of the landscape. The vernacular

design of the dwelling reinforces the traditional building traditions of the Cotswolds area. It is acknowledged that the scheme will change the character of this small area of land however, it is considered that the detail of the design and the considerations of the local landscape character in the landscape design have sought to further the special interest of the Cotswold National Landscape as required by the LURA.

Heritage Impact

- 5.34 The proposed development would lie in the setting of the Leafield Conservation Area. Proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting. As noted, the tilted balance now applies, however, footnote 7 of the NPPF is clear in that, as with the AONB, impact on a designated heritage asset may in itself provide a clear reason for refusing the development proposed.
- 5.35 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. Policies EH9 and EH10 of the Local Plan reflect these duties, and Policy EH13 of the Local Plan seeks to protect the historic landscape character of the district.
- 5.36 Section 16 of the NPPF provides guidance on conserving and enhancing the historic environment. It requires when determining applications, local planning authorities require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Notwithstanding that the applicant has submitted a Landscape Visual Impact Assessment, the LVIA does not adequately explain the impact on the Leafield Conservation Area and the significance of the heritage asset.
- 5.37 The NPPF provides 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 development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 5.38 The proposed development is not readily visible from public land within the Leafield Conservation Area. Moreover, it is located adjacent to modern dwellings in the village of Leafield, such as 1 to 12 Greenwich Lane and Harolds Close. The southern side of Lower End has modern dwellings, which do not contribute much to the historical significance of the conservation area. Although the proposed development will be visible from the east of the village, it is believed that any harm caused to the conservation area would be of a lower level, i.e. less than substantial harm. This harm is outweighed by the clear public benefit of 100% affordable housing, along with economic benefits and environmental improvements.
- 5.39 The NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The public benefits of

the proposal principally include providing affordable housing, public open space biodiversity enhancements and economic benefits associated with job creation and the construction phases. Conversely, great weight should be given to conserving heritage assets, and any harm to a heritage asset must be given considerable importance and weight. It is considered that the public benefits would outweigh the 'less than substantial harm' arising and provides a reason for approving the development.

Highway, access and accessibility

5.40 Access to the site is taken from Greenwich Lane and is created using an existing opening within the northeast corner of the field. Access within the site will be a minimum of 4.8m with adequate turning areas to meet the requirements within the Manual for Streets and the County Council

Residential Road Design Guide

5.41 Access to the site from the Lower End will require widening Greenwich Lane from 3.0m width to a minimum of 5.5m with a 1.5m pedestrian footway along its western side and to provide suitable and safe access for vehicles, including emergency and service vehicles.

5.42 To widen the carriageway from 5.5m width, it is proposed to remove and relocate an existing dry stone wall on the western side of the lane, demolish the garage of No.12 Greenwich Lane and utilise 3.2m (approx.) strip of this property to the highway. It is proposed to provide No. 12 Greenwich Lane with an alternative access location as part of the new access configuration.

5.43 The submitted Transport Access Appraisal Statement concludes that the internal site layout and design will be fully permeable for pedestrians and cyclists linking to the access point on Greenwich Lane. The on-site design philosophy and connectivity will take account of the Department of Transport's Manual for Streets requirements.

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

Affordable Housing

5.45 Leaffield falls within the medium value zone as defined in the West Oxfordshire Local Plan 2031, and therefore, 40% of the houses on-site should be affordable to meet the requirements of Policy H3. However, whilst the applicant is offering 100% of the houses as affordable, a legal agreement has been prepared to secure this.

5.46 The Strategic Housing Development Officer has submitted supporting text on behalf of the Applicant, which provides additional context around the potential benefits of the proposed development, which includes input from the Council's Strategic Housing team and Registered Provider, Cottsway Housing Association. Both parties have also provided information to the applicant in advance of the application submission. The Strategic Housing Officer confirms that Cottsway Housing is supportive of the scheme and is negotiating with the applicant to acquire the developed homes on completion. A supporting statement from Cottsway Housing Association is appended to the comments of the Strategic Housing Officer.

5.47 The Strategic Housing Officer has stated the following:-

The Local Plan highlights that housing affordability is a key issue in the Burford-Charlbury sub-area. The Local Plan identifies a need for 274 additional affordable homes annually in the district for the plan period 2018-31. It is intended that the proposals contribute both to this wider need as well that are identified locally. In the last six full financial years there have been 1966 affordable housing completions, of which only 93 (4.7%) are in the Burford/Charlbury sub-area.

5.48 The Strategic Housing Officer confirms that the development proposal would meet the policy requirements set out in Policy H3 of the Local Plan, and confirms that the proposed development would respond to housing need established in liaison with the Council, the proposed scheme is intended to provide 100% affordable housing and is designed to provide tenure and house types relevant to this need. The intention is to provide a mix of Social Rent (66%) and Shared Ownership (33%) tenures.

5.49 Preliminary site layouts and house-type drawings have been evolved with input from the Council's Strategic Housing team to ensure local housing need is addressed. It is intended for the scheme to be acquired by a Registered Provider of Affordable Housing (RP) on completion. Allocations for rental homes will be carried out using the Council's Homeseeker Plus choice based lettings system. Shared ownership homes will be sold in line with current government procedures. The Proposal has evolved to allow the RP to facilitate grant funding in order to offer the best possible social rents to occupants of the rental homes and the most affordable options for low-cost home ownership.

5.50 The Strategic Housing Officer confirms that the application proposal was designed to enable the acquisition of the dwellings using Homes England funding. Homes England identifies areas where the difference between average social and private sector rents is £50 per week or more as High Affordability Pressure Areas (HAPA). Homes England is currently seeking to support schemes in rural locations, and West Oxfordshire is identified as a HAPA. Homes England is aiming to use grants to provide homes at Social Rent tenure, which will enable occupants to pay the lowest possible rents. Although it is not mandatory according to Local Plan policy H3, the goal is to offer Social Rent tenure for the rental homes under this project. Homes England is also able to provide grant funding to enable Shared Ownership of homes.

5.51 In terms of evidence of housing needs within the Leafield area, the Strategic Housing Officer confirms the following:-

- West Oxfordshire District Council Choice-Based Lettings System (CBL) currently holds 2015 applicants seeking affordable housing to rent in West Oxfordshire.
- 80 applicants registered indicate Leafield or immediately surrounding parishes as an area of preference,
- 15 have further identified Leafield as an area of preference.

5.52 And, in terms of band according to their housing needs:

- 13 have an enhanced banding indicating that they have a medical or welfare issue that a move to more suitable housing could alleviate.

5.53 The Strategic Housing Officer further states:

- The CBL system has 39 applicants with residential or other connections to Leafield or surrounding parishes that could qualify for rental housing on this scheme. Of these, 9 applicants

indicate a direct connection to Leaffield. There are likely applicants with other connections to the area not currently identified that could also qualify.

- 5.54 By providing the most affordable social rent tenure, the proposed dwellings will have the best possible suitability to the needs of these applicants.
- 5.55 The re-letting data held within the CBL system can also be examined to provide information about how needed and desirable social housing is in Leaffield. Recent lettings show that each RP property in Leaffield advertised for re-letting over the last 12 months has received on average 37 bids from interested applicants.
- 5.56 The Council recognises the need to provide forms of low-cost home ownership and seeks through its Policy H3 of the Local Plan to achieve 33% affordable housing provision in this format.
- 5.57 The indication from RP's is that sales of Shared Ownership homes are strong. Homes England also recognises the importance of Shared Ownership and identifies significant funding specifically for homes of this tenure. Shared Ownership aims to help people overcome the income and deposit barriers to home ownership.
- 5.58 The government Help To Buy South register indicates that, in March 2023, 976 households were seeking shared ownership housing in West Oxfordshire.
- 5.59 New housing is also viewed in terms of the longer term benefit of providing housing options for emerging families and sustainability of the area.
- 5.60 In terms of the housing mix, Policy H4 requires all development to contribute towards the provision of a good, balanced mix of property types and sizes and the proposed mix appears to represent a reasonable mix, including smaller homes.

Rural Exception Sites

- 5.61 With regards to rural exception sites, the supporting text to policy H2 highlights the essential role 'windfall' development can play in delivering the district's housing needs. The local plan accepts that in certain circumstances, 'Greenfield' sites brought forward for development may, in some instances, be 'rural exception sites' for providing affordable housing in locations that would not normally be allowed for new housing. However, the supporting text to the policy does emphasise the importance of windfall development, supporting the primary aim of the Local Plan strategy of delivering housing needs in sustainable locations, recognising the intrinsic character and beauty of the countryside and, where appropriate, encouraging the re-use of previously developed land. To that end, 'windfall' development is supported within the 'built-up' area and on previously developed land where it accords with other relevant policies in the Local Plan, and in particular, the general principles set out in Policy OS2.
- 5.62 Supporting text to policy H2 states that "Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built-up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site. Any such development would also need to be in accordance with the indicative distribution set out in Policy H1 and other relevant policies, including in particular the general principles in Policy OS2 and Policy EH1."

5.63 Based on the evidence provided, the applicant has demonstrated a clear need for the residential development of this site. The proposed dwellings, along with the affordable housing contribution, would comply with the relevant locational policies outlined in the Local Plan. This aligns with the principles of sustainable development, as outlined both in the Local Plan and the NPPF, officers are of the view that the proposed development would meet the necessary requirements and would be beneficial for the community.

Flood and Drainage

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

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

5.66 Thames Water has no objection to this development approach subject to suitable conditions covering water network upgrading and a development and infrastructure phasing plan. TW does not object to the sequential approach to the disposal of surface water proposed in this development but advises that an informative is attached should the LPA be minded to approve.

Residential Amenity/Noise

5.67 The nearest residents are located at no 1 - 12 Greenwich Lane, located to the north of the application site. The site layout indicates that the rear of the development dwelling would be directed toward the rear elevation of no 1 - 12 Greenwich Lane. However, there would be a separation distance of, on average, 28 metres between the facing elevations. No other residents would be affected by this development. 21 metres is considered the usual minimum distance.

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

Ecology

5.69 The application has been informed by ecological assessments, and further works has been carried out to assess the potential impacts on reptiles. Advice has been provided by the Council's ecologist. Under Policy EH3 there is a requirement to provide biodiversity net gain (BNG) using an approved method to calculate this. Following additional work undertaken by the applicant, the Biodiversity Officer has no further objection subject to condition.

Trees

5.70 The applicant has submitted an Arboricultural Report that recommends the felling of 12 individual trees, 4 small groups of trees and 1 hedge, as these were assessed as having the potential to be

affected by the proposals. Of these, 5 are to be felled because they are of low individual or collective value, and their loss will not affect the character of the local area over the long-term, provided replacement plantings are included as part of a landscaping scheme. The report included an Arboriculture Method Statement.

- 5.71 The Landscape and Forestry Officer has commented and does not consider trees a constraint at this site, has assessed the site and considers the boundary vegetation important. The Landscape and Forestry Officer had required that landscape proposals be provided with such an application. The Applicant has provided a basic landscaping proposal, however, additional information is required but can be obtained by condition.

Sustainability/Climate Change

- 5.72 The submitted Energy and Sustainability Statement advises that the proposal will adopt a 'fabric first' design approach, which emphasises improving the fabric of the buildings to a standard far higher than current legislation and building regulation requirements. Primarily, the buildings will seek to reduce energy demand by providing excellent levels of natural lighting and ensuring all new fabric is insulated to an extremely high standard, preventing air leakage and thermal bridging at key construction interface details.

- 5.73 The dwellings will utilise natural means of heating and cooling using the winter and summer solstice by utilising solar gain and optimising natural shading in the winter. However, mechanical systems will be required to work alongside the natural systems; the dwellings will have air-source heat pumps for hot water and heating. The dwellings will use stack ventilation through high-level windows and purge ventilation from low-level openable windows. The dwellings will also have a mechanical system for background ventilation.

- 5.74 It is recommended that a planning condition should be imposed to ensure that the recommendations contained within the Energy and Sustainability Statement are secured and delivered by any subsequent developer.

S106 Contributions

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

- 5.76 The applicant has referred to the provision of 100% affordable housing, which is a policy-compliant contribution, to be comprised of affordable housing, with the exact mix to be the subject of a legal agreement.

- 5.77 Various on and off-site contributions are sought, as set out in the consultee responses.

- 5.78 Those contributions are set out below:

- 5.79 Oxfordshire County Council seeks:

- £14,850 towards public transport services (For the retention/improvement of bus services in Leafield)
- £751 towards public transport infrastructure (For the installation of one new pole at Greenwich Lane)

- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including The widening of Greenwich Lane and Site access from Greenwich Lane.
- £25,992 towards secondary education capacity serving the development.
- £1034 towards the expansion and efficiency of household waste and recycling centres.

5.80 The S106 has been completed incorporating all of the above requests.

Planning Balance

5.81 There are material considerations which indicate that the application should be decided otherwise in respect of the development plan. Since 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.

5.82 The site is adjacent to the village of Leafield, with a limited range of facilities and services, including a community shop, public house, village hall, church, and primary school. New housing would help to maintain its vitality by supporting its services and facilities. Leafield Parish Council have not objected to the development but considers the provision of affordable housing units as justification for the approval of development within the National Landscape.

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

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

5.84 The proposed development is not considered 'major' for the purposes of footnote 60 of the Framework, requiring the demonstration of exceptional circumstances in the public interest. Paragraph 176 requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Parks, Broads and Areas of Outstanding Natural Beauty, which have the highest protection status in relation to these issues. The scale and extent of development within all these designated areas should be limited.

5.85 It is acknowledged that there are clear benefits arising from this development, including economic and social benefits. Significant weight should be afforded to the benefit of additional housing delivery in this location, especially the provision of 100% affordable housing. And, when weighed against the harm to the public interest by virtue of harm to the limited landscape and scenic beauty of the AONB, the provision of affordable housing in light of the housing land supply is considered to outweigh the limited harm to the location even having applied great weight to the harms (see below).

5.86 The National Landscape is a finite resource, and, as per the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. However, the proposed development would not be widely visible within the landscape.

- 5.87 The new housing will be constructed within a small enclosed field adjacent to the built edge of Leaffield, following the linear and clustered settlement pattern of the locality. The proposed additional hedgerow and tree planting will be in keeping with the character of the area. There will be only minor changes to the gently sloping site's topography.
- 5.88 The application site is visible within views from the south of the site through a Public Right of Way (PRoW) that is approximately 0.5kms away from the site. The surrounding area is mostly rural with large open fields, typical of the Leaffield countryside. One terrace block of housing can be seen next to the western end of the site through a gap in the hedgerows. However, the site itself cannot be seen from this angle. If there is any visibility of the development, it would be extremely limited and only of the upper parts of a few of the buildings. In any case, the backdrop would be the built edge of Leaffield. Due to its enclosure and proximity to the existing built edge of the settlement, the site belongs more in landscape character terms with the settlement than the surrounding open countryside.
- 5.89 The application site is visible from the east along Leaffield Road at the entry point to the village. Only the eastern end of the development will be visible, set behind retained hedgerows along Greenwich Lane. Some of the significant boundary vegetation to the south of the Site can also be seen in this view, which provides enclosure and containment of the proposed development. The new housing will be well assimilated into the edge of the village in this important approach to Leaffield.
- 5.90 The protection, retention, and enhancement of almost all the existing mature landscape boundary features is an important feature of the proposed landscape and visual mitigation. A landscape framework of retained and hedgerows and new planting will serve to visually contain the development within the immediate site environs and assimilate it into the immediate setting and wider local landscape, all of which lies within the Cotswolds AONB. None of the identified Special Qualities of the Cotswolds AONB would be adversely affected by the proposed development.
- 5.91 It is considered that the proposed development would complement this part of the village and preserve the local landscape character of the area.
- 5.92 The Framework requires that great weight be given to assets conservation and states further 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."
- 5.93 The proposed development is not readily visible from within the Leaffield Conservation Area. In any case, it sits adjacent to modern dwellings within the village of Leaffield, these being 1 to 12 Greenwich Lane and Harolds Close. The southern side of Lower End is characterised by modern dwellings of very moderate design quality which make a negligible contribution to the historical significance of the conservation area. The proposed development will be visible within views from the east of the village, however, it is considered that any harm to the conservation area would result in a lower level of "less than substantial harm", which is outweighed by the clear public benefit of 100% affordable housing as well as derived economic benefits and environmental improvements.
- 5.94 Policy H3 of the Local Plan states that the Council will work with partners to 'identify additional suitable rural sites for small-scale affordable housing schemes to meet specific local housing needs which cannot be met in any other way. Sites will be well-related to the existing built-up areas of

towns and villages.' Given the very limited impact on the National Landscape and Leafield Conservation area, it is considered that the application proposal would satisfy this policy.

Conclusion

5.95 After considering the development plan and all relevant factors, the Officer's opinion is that the advantages of the application proposal, such as the provision of 100% affordable housing, as well as economic and environmental benefits, outweigh the policies in the Framework that protect designated heritage assets and National Landscapes (AONBs), approval of planning permission is therefore justified.

6 CONDITIONS

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

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

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

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

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

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

4. A schedule of landscape maintenance for a minimum period of years should be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

5. Prior to any development above slab level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

6. Prior to the commencement of the development, a construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

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

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

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

8. No development shall commence until details of how the applicants will incorporate 'Secured by Design' principles and/or standards into the development have been submitted to and approved in writing by the authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of conformity is received by the authority.

9. Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.

REASON: In the interests of Highway safety.

10. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

REASON: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

11. Prior to commencement of the development, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

REASON: in the interest of highway safety.

12. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

REASON: in the interest of highway safety.

13. No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.

14. No part of the development shall be occupied until the facilities for the storage of refuse have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

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

15. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Reference: Flood Risk Assessment and Surface Water Management Plan Greenwich Lane, Leafield, Oxfordshire OX29 9QR Report LLI36 May 2023 Prepared and submitted by Lidar-Logic.

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

16. 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";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

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

17. 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.

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

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

19. The development shall not be occupied until confirmation has been provided to the LPA that either:-

1. All foul water network upgrades required to accommodate the additional flows from the development are operational or, where it has been demonstrated to the satisfaction of the LPA that this is not possible;
2. A development and infrastructure phasing plan has been agreed with the Local Planning 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: The local sewerage network may not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment.

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

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

21. The development shall be completed in accordance with the recommendations in Section 4.1 of the consultancy report (Reptile Survey Report, Windrush Ecology, April 2023) and West Oxfordshire District Council's Precautionary Working of Method document. All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

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

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

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

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

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

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

24. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

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

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

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

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 26. Before development takes place, details of the provision of integrated bat roosting features (integrated bat bricks/boxes on at least 50% of the new dwellings proposed, on south or south-west facing elevations), integrated nesting opportunities for birds (bird boxes for swift bricks, on at least 50% of new dwellings proposed, on north or east facing elevations) and permeable features for hedgehogs (13cm x 13cm in new garden walls or fences) shall be submitted to the local planning authority for approval. These will include a technical drawing showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

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

- 27. No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 28. Notwithstanding the information provided on the approved layout plan, details of all walls and fences around each plot and on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected before occupation of the associated dwellings hereby approved and thereafter be retained.

REASON: To ensure that in the interests of privacy and visual amenity a high standard of boundary treatment is provided.

- 29. A new dry stone boundary wall of natural local stone, a specification for which shall be first submitted to and approved in writing by the Local Planning Authority, shall be constructed at a

height of 1.2 metres along the southern boundary of the site. The wall shall be constructed in accordance with the usual practice followed in the locality in the construction of such walls and shall be completed within 6 months of the commencement of the development.

REASON: To reflect the character of existing walls in the locality and thereby safeguard the character and appearance of the area

Notes to applicant

1. Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private, then to secure exemption from the APC procedure, a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please visit our website.
2. A Construction Phase Traffic Management Plan will need to incorporate the following in detail:
 - The CPTMP 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.

Contact Officer: Stephanie Eldridge

Date: 9th July 2025

Application Number	23/03071/FUL
Site Address	Land South of Forest Road Charlbury Oxfordshire
Date	8 th July 2025
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	435053 E 219433 N
Committee Date	21 st July 2025

Location Map



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Application Details:

Full Planning application for the erection of thirty seven dwellings including access road, landscaping, and associated earthworks.

Applicant Details:

Harper Crewe (Charlbury) Ltd
C/o Agent – Savills

I INTRODUCTION

I.1 The application was originally reported to the Uplands Area Planning Sub-Committee on 28th of May 2025.

I.2 At the meeting, the Sub-Committee resolved to:

Defer the application to:

- 1. Seek advice/clarification as to what permissions are extant on the site; what weight should be given to previous permissions granted on the site if no longer extant; and the effect(s) of the various judicial reviews relating to the previous permissions granted on the decision-making process.*
- 2. Obtain comment from the Council's Tree Officer on the proposals.*
- 3. Obtain additional information from the applicant and provide further clarification on the following matters relating to:*

Additional information

- A noise report from the applicant measuring the impact of noise from the railway line on the proposed dwellings, along with any remediation required as requested by the Council's Environmental Health Noise Officer.*
- A desk study to assess the nature and extent of any contamination as requested by the Council's Environmental Health Contamination Officer.*

Further clarification

- Whether the proposal is considered to be a 'major development.'*
- Further analysis of the impact of the proposal on the adjoining Ancient Woodland and what needs to be done to protect it.*
- A response to the concern raised by the Charlbury Conservation Area Advisory Committee relating to undue light spillage from the development contrary to policy NE4 on tranquillity and dark skies in the Charlbury Neighbourhood Plan.*
- A more robust response to the objections raised in relation to inappropriate design and harmful impact on the character and appearance of the Charlbury Conservation Area.*

I.3 Officers have now received comment from the Council's Tree Officer; and further clarification is provided in this updated report on the additional noise and contamination information received from the applicant; the planning history of the site and implications of the judicial review judgements; and the 'further clarification' matters as requested by Members in the relevant sections below.

2 CONSULTATIONS

Charlbury Town Council

No objection to the proposal subject to a condition removing the permitted development rights of those houses proposed to erect any buildings (including sheds) but also nonorganic substances (such as hard standing and astroturf) within the 15-metre buffer zone near to the ancient woodland and subject to the assurance that the affordable homes which have changed category (from first homes to social rent and discount market units) will continue to benefit from

the same level of discount as previously proposed, and that this discount remains in perpetuity.

Oxfordshire County Council
(OCC) Major Planning
Applications Team

Transport: No Objection subject to conditions relating to Construction Traffic Management Plan, cycle parking, off-site highway works, car parking, and Travel Plan/Travel Information Pack as suggested being attached to any permission granted and a s106 legal agreement being entered into securing a contribution (£41,921) towards Public Transport Service improvements to bus services serving Charlbury.

Lead Local Flood Authority: No objection subject to condition 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 (£17,948).

Archaeology: No objection. An archaeological field evaluation was carried out on the site as part of a previous application (Ref: 15/03099/FUL). This was undertaken in line with an approved written scheme of investigation by Cotswold Archaeology. The evaluation did not identify any significant archaeological features. A linear feature or ditch contained some fragments of pottery that are dated from the eleventh to the thirteenth centuries AD. The application area appears to have lain outside any settlement within an area agricultural cultivation. No further archaeological investigation is required and there are no further archaeological constraints to the development of this site.

Waste Management: No objection subject to a s106 legal agreement being entered into securing a Household Waste Recycling Centre Contribution (£3,477).

Cotswolds National
Landscape Board

Objection to the proposal. The Board considers that the proposed development would constitute 'major development' in the context of paragraph 190 of the National Planning Policy Framework ('NPPF'). By extension, based on the definition of major development contained in footnote 67 of the NPPF, we consider that the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Paragraph 190 of the NPPF states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

We consider that those exceptional circumstances have not been

demonstrated, and the proposal as submitted does not accord with Policies OS2, EH1 and BC1 of the Local Plan and Policies CE1, CE13, CE14 and CE15 of the Cotswolds National Landscape Management Plan 2025-2030.

We acknowledge that the Council cannot currently demonstrate a five-year land supply. However, we consider that the application of policies in the NPPF, in particular paragraphs 189 and 190, provide a strong reason for refusing the proposed development. As such, we recommend that the 'tilted balance' in favour of granting planning permission is not engaged and the application should be determined on an unweighted planning balance with strong reasons for refusal already present as outlined in Annex I, which can be viewed on the website.

Charlbury Conservation Area
Advisory Committee

Objection to the proposal on the grounds of its negative impact on the setting of the Charlbury Conservation Area. Policy CH1 of the Charlbury Neighbourhood Plan makes no provision for housing on land outside the built up area or genuinely adjoining the built up area. Affordable housing development would only be supported under policy NE1 if '*consistent with the great weight that must be given to conserving and enhancing the landscape, natural scenic beauty ...and heritage of the area*'.

The protection of important views under Policy NE2 requires great weight to be given to important views from the town including the view of the Evenlode valley and the registered landscape of Cornbury Park from the promenade along Grammar School Hill. Most crucial to the present case is policy NE3 which establishes the terms of the planning balance to be undertaken in protecting the Evenlode Valley to the west of Charlbury by requiring a robust demonstration that public benefit of development there outweighed any detriment to the landscape and that a similar benefit could not be achieved in another location in the Neighbourhood Plan area or elsewhere.

It is considered that the public benefit of the proposed development does not outweigh the detriment to the landscape in this case and that a similar benefit in terms of affordable housing could be achieved in another, less sensitive, location.

District Ecologist

Biodiversity Officer – No objection subject to conditions relating to ecology, biodiversity, boundary treatment, landscaping, lighting, and Construction Environmental Management Plan as suggested being attached to any permission granted.

Newt Officer – No objection subject to suggested informative relating to newts being attached to any permission granted.

Environment Agency

No response received.

Natural England	<u>No objection</u> . Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
Thames Water	<u>Waste Comments: No objection</u> subject to conditions relating to foul water drainage and sewage treatment works infrastructure capacity and an informative relating to the requirement for a Groundwater Risk Management Permit from Thames Water as suggested being attached to any permission granted. <u>Water Comments: No objection</u> subject to an informative relating to water pressure as suggested being attached to any permission granted.
Thames Valley Police - Designing Out Crime Officer	<u>No objection</u> subject to conditions relating to Secured by Design accreditation, defensible space and planting and lighting as suggested being attached to any permission granted.
NHS Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care Board	<u>No objection</u> subject to a s106 legal agreement being entered into securing a of contribution (£33,529) towards the creation of additional clinical capacity at Charlbury MC or an identified primary care estates project in the local area to serve the development.
Wildlife Trust	No response received.
WODC Arts, Leisure, and Tourism	<u>No objection</u> subject to a s106 legal agreement being entered into securing a contribution (£3,780) towards developing a temporary public art programme for future residents' of the development post occupation.
WODC Climate	No response received.
WODC Conservation And Design Officer	The Evenlode valley is a crucial feature of the Charlbury Conservation Area, both in terms of its strong riparian character, and also in the way it has largely contained the built development of the settlement to its eastern side. The current site sits on the western side of the valley, on rising ground. Because of this topography, the site is prominent in views from the settlement - particularly from Dyers Hill and Grammar School Hill - and also in views towards the settlement – particular from the main western approach, along Forest Road. And whilst vegetation masks the site to a degree in some views, we would not wish to rely on green screening in perpetuity – particularly in these days of climate change. Although there is existing, somewhat workaday, development adjacent to the north-eastern edge of the site (and also the Grade II listed railway station), the character of the site itself remains essentially pastoral, with some trees. Until recently there was, in

fact, fairly copious vegetation with mature trees on the lip of the valley, under which the site nestled to a degree, although this has largely gone, arguably increasing the prominence of the site against the skyline.

In summary, it seems that almost any development on the site is likely to make an impact upon the setting of the conservation area, particularly if it occupies the land rising to the south-west.

Turning to the current proposal, 37 dwellings are proposed, mostly flanking a road running along the mid-height contour, although with a spur running to the higher ground to the south-west -and pretty much following the constraints imposed by the shape of the site. There are garages to the market houses, with parking spaces generally set beside and between the other properties. The general layout appears fairly workable and is roughly similar to that approved under 15/03099/FUL. But it does nonetheless push dwellings up to the most prominent highest ground.

There is a range of house designs, which are now considered to be acceptable in design and appearance. The layout of the revised scheme is broadly similar, but the primary road is now curved, with radial positioning of the buildings. This gives a more natural fit for the contours and could create a little more interest. The houses now have simpler massing and simpler elevational treatments - and they are now more securely rooted in the typical neo-vernacular.

My main criticism with this scheme remains that the single storey buildings should be on the higher ground to the west – with the taller buildings tucked down at the east side, nearer to existing development. I would have advised that there should be no development at all on the higher ground, but we previously supported this – whatever the status of the previous consent.

Anyway, as it stands, I would judge that there is indeed harm to the setting of the conservation area – because the Evenlode valley has previously pretty much formed a limit to built development, with a rural feel on the west side. However, as there is already *some* development adjacent to the site, around the railway, I would judge the harm to be somewhat less than substantial.

But admittedly, the principle of development here has previously been accepted, and there is a considerable amount of non-market housing here to weigh in the balance.

WODC Environmental
Health Air Quality

No objection to the proposal. The inclusion of photovoltaics, cycle storage and electric vehicle charging (including e-bikes & scooters) in each property and proposals to improve the pedestrian footpath from the site to Charlbury itself are welcomed and should be conditioned in any permission granted.

WODC Environmental Health Contamination	<u>No objection</u> subject to condition relating to contamination as suggested being attached to any permission granted.
WODC Environmental Health Noise and Amenity	<u>No objection</u> subject to a noise condition as suggested being attached to any permission granted.
WODC Housing	<u>Support</u> for the proposal. 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 scheme proposes providing 57% of the dwellings as affordable housing, exceeding the 40% policy requirement in medium-vale areas. The affordable housing dwellings proposed for rental will be of Social Rent tenure which is prioritised by the Council. Intermediate dwellings are proposed as Discount Market Sale tenure. Previous iterations of the scheme have proposed for these dwellings to be provided as First Homes tenure which would be preferred by the Council. It is proposed that an element of the affordable housing is used for specialised housing to meet the commissioning needs of Oxfordshire County Council. It is requested that development not commence until WODC and OCC are satisfied that ownership, management arrangements, commissioning requirements and deliverability requirements are in place. The proposals include self/custom build dwellings intended to meet the indicated demand for such housing held on the Council's register. A delivery statement should be provided to, and agreed by, the Council to ensure that these dwellings are secured for this purpose, offer sufficient customisation options to purchasers and meet the intentions of the self/custom build legislation.
WODC Sports and Leisure	<u>No objection</u> subject to a s106 legal agreement being entered into securing contributions toward outdoor pitch provision (£73,194.14), artificial pitch provision (£2,626), sport hall/ studio provision (£17,116), swimming pool provision (£20,648) and tennis court provision (£1,318) within the catchment area.
WODC Planning Policy Manager	<u>No objection</u> to the proposal.
WODC Tree Officer	<u>No objection</u> to the proposal. No trees are planned to be removed from the site as part of the development. The proposed planting scheme is adequate in terms of numbers. All existing trees on the site are to be retained with a 5m landscaped buffer zone directly next to the Ancient Woodland, together with a further 10m zone kept free of any built development, this gives the Ancient Woodland a 15m buffer zone from the development. This is adequate to protect the Ancient Woodland from activities connected with the

development, as such the roots of the trees that are growing in the Ancient Woodland adjacent to the site will be safeguarded against damage or compaction during the construction phase and later use of the site.

3 REPRESENTATIONS

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

3.2 143 responses have been received objecting to the application on the following grounds:

- The proposal has not demonstrated the 'exceptional circumstances' required to justify development of this site. It fails to meet the essential criterion (the site is not 'land adjoining the built up area') set out in Policies NE1-NE3 of the Charlbury Neighbourhood Plan and would be in conflict with the Development Plan.
- Unsuitable location for housing.
- Overdevelopment of the site.
- There are better sites available for needed housing which genuinely connect to the town.
- The proposal, with its isolated, density-gradient design, clashes with the established character and heritage value of the town's valley setting. This disconnect not only undermines the area's charm but also sets a dangerous precedent for future harmful development that could compromise the historical integrity of the town.
- Inappropriate design and layout.
- Harmful to the character and appearance of the Charlbury Conservation Area.
- The visual impact of the development of this site, in the face of the town, important listed buildings and the enveloping Conservation Area, will significantly harm the town's heritage valley setting.
- The site has been contaminated by industrial waste dumped from Charlbury's former gas works.
- Increased danger of flooding.
- Unneighbourly form of development.
- Adverse landscape impact.
- Detrimental impact on the AONB and Cotswold National Landscape.
- Insufficient woodland buffer.
- Threat to local wildlife.
- Impact on local biodiversity and ecology.
- Unsustainable form of development.
- Inadequate pedestrian footway, especially for disabled users.
- The nearby station building is Grade 2 listed, its setting will be changed considerably if a housing estate were to be built in the field opposite.
- Impact on trees and hedgerows on railway land on the far side of the track.
- Prominent development that would not enhance this area of outstanding natural beauty.
- Lack of parking provision.
- Significant increase in traffic from car journeys to and from the Town.
- Prejudicial to highway safety.

- Undue strain on local services and amenities.
- The potential harm associated with this development scheme far outweighs any perceived benefits.

3.3 19 responses have been received in support of the application on the following grounds:

- Much needed affordable housing for local families and the community of Charlbury.
- The supported living/extra care units proposed will meet the priority needs of the County Council, including young onset dementia. Homes England, the Government's funding agency, is supporting the development with grant funding.
- The development gives hope to many local people that their families may have a chance to stay in the area and afford a house of their own.
- The proposal represents a much needed addition to the Charlbury housing stock in an appropriate location.
- The proposal is on poor agricultural land within earshot of the station, near to a busy industrial estate, just upstream from the sewage works and opposite the old gasworks site.
- The site has excellent rail links nearby and a good footpath into town, where there are excellent town facilities and a good bus service connecting local towns and villages.
- The position of the development will have minimal impact on the town and can only prove to be a positive addition.
- The local school has a shortage of pupils so there will not be any overly large classes which is another plus for Charlbury. There is also a nursery next to the railway station.
- Sensitively planned and designed with the provision of a 5 metre buffer area around the site with built development being located a further 10 metres away.
- Care and consideration has been taken to protect local ecology. The ecological survey provided demonstrates that many of the species of birds/animals etc will remain unaffected as there seems to be little evidence of their activity. Where there is activity, surrounding fields/scrubland would provide adequate shelter/foraging for the animals.
- The project has taken into account the environment and preservation of its natural beauty and would not significantly endanger wildlife nor negatively impact the AONB.
- The inclusion of public transport infrastructure in the proposal has to be commended. Not only will that benefit the future residents of Rushy Bank, but it has the potential to positively impact the whole of the town.
- The development will help preserve Charlbury's character as a bustling rural town.
- Highly sustainable dwellings built to exceed building regulations standards and constructed to net zero standards.
- The development would comprehensively meet the objectives of the Charlbury Neighbourhood Plan and its policies delivering wider benefits that outweigh any harm.

3.4 Campaign to Protect Rural England:

Objection to the proposal for the following reasons:

- Landscape - all new housing has historically occurred to the north and east of the Town without encroaching on the setting of Charlbury from the Wychwood Forest and Burford direction. It would be landscape vandalism if residential buildings encroached on the northern side of the

river. This is illustrated perfectly in the LVA's wireframes 23b and 23c from Grammar School Hill, arguably the most beautiful sweeping view of the Evenlode Valley and Cornbury Park from Charlbury, and enjoyed by walkers, runners, cyclists, and others. The development would appear as a hamlet completely divorced from the rest of the Town and isolated by the natural river boundary and the man-made railway boundary. A weak bridge allowing up to 7.5 tonnes and poor pavement is the only link to Charlbury. Much has been made of additional tree planting to mitigate the landscape damage, but the tree canopy proposed is far less than the height of the two storey dwellings. Any sight of buildings would detrimentally change the views of the Evenlode Valley from Charlbury and the approach to Charlbury from the south. As such, it is concluded that a development on this site would have a major adverse impact on the landscape setting of Charlbury Conservation Area as well as the local landscape character of the Cotswolds AONB well beyond the 10 years post completion.

In addition, OCC Highways would also have to improve road safety (particularly for the bungalow residents who may be elderly and/or disabled) thus ruining the landscape setting even more with street furniture, streetlights, width restrictions or buildouts. Not only would be visual impact be devastating from the development itself, but the resulting changes also needed for pedestrians would be adverse to the approach to Charlbury as well as creating obstacles for recreational cyclists who use this route daily.

- Tranquillity and noise pollution - this would be a major development in the wrong location that would lead to increased noise pollution, both during and after construction. There would be increased traffic noise as not all residents will be commuters to London and Oxford, and many will drive to the main shopping centres Witney and Chipping Norton, rather than use the bus which is 15 minutes' walk away. This is even more likely in inclement weather. Busy working parents also rely on cars to ferry children to the school before getting to work on time themselves. There would inevitably be more traffic, clog up the pinch point at the top of Dyers Hill, and have an adverse impact on the tranquillity of the AONB and Charlbury.
- Biodiversity, light, and water pollution - the Ecological Assessment (EA) states that whatever mitigation measures are put in place, there will be an adverse increase in light pollution. It is also unclear why the EA concludes this site is not important for foraging bats since Table 2 (3.31) shows evidence that the bat count has doubled (between 2011- 2022, 7 species were counted and now it has increased to 14) *"in this case there will be housing adjacent to the [ancient] woodland and inevitably there will be an increase in noise and light levels [and] the site will still be lighter than the current baseline...this would however also be the case with a 15m buffer"* (Appendix 2 para 5 p34). The report is dismissively indifferent to a 5 or 15 metre buffer, the latter is recommended by Natural England. Simply put, there will be more light pollution which will detrimentally affect nocturnal species of bats and invertebrates. CPRE West Oxfordshire considers light pollution will have a major adverse effect for biodiversity and dark skies.

The EA's assessment of biodiversity net gain also does not take into account the increased damage to the ancient woodland through human and domestic pet encroachment. *"There is a risk over time house owners may dispose of garden and other waste over the back fence of the property. The 5 m buffer will prevent such material entering the woodland and subject to future management arrangement it will also provide a buffer that can be managed. In terms of domestic pets cats will be able to access the woodland, but as cats range over distances much further than 15m no additional impacts from a 5m as opposed to a 15m buffer would occur"*. Currently the river acts as a deterrent to cats but building 37 houses right next to a woodland on the Rushy Bank site would open up a vast hunting area and have a devastating impact to the flora and fauna within and around the site.

Lastly, at the time of writing there was no response from Thames Water regarding the application for the adoption of an on-site foul water drainage system. Without this, CPRE West Oxfordshire cannot be certain capacity will be enough to avoid an increase in sewage outflow into the River Evenlode. It is therefore unclear what off mains drainage is being asked for and whether it would be managed sustainably or if the chemicals used would be damaging to biodiversity at the disposal stage.

3.5 Friends of Evenlode and West Oxfordshire Cotswolds

Objection to the proposal for the following reasons:

- Principle of development - The High Court's quashing of the s73 consent granted by WODC means there is now no extant consent on this site and the principle of developing it must be reconsidered. The applicant's claims of some legal standing to the partially constructed access and other works is rebutted by the High Court ruling that the commencement of development was unlawful. The proposal would be harmful to the Conservation Area, AONB Open Countryside and Cotswolds National Landscape contrary to the Charlbury Neighbourhood Plan.
- Flawed interpretation of Ancient Woodland Guidance - the applicant argues incorrectly that less than significant deterioration of the woodland is an acceptable harm. The NPPF (paragraph 193 (c)) obligates refusal where any deterioration of the woodland would result. Natural England guidance on the policy is completely clear that a 15 metre buffer is a minimum and, where indirect harms extend, the buffer must be increased, as is the case here. The indirect harms of this proposal extend further than the 15 metre minimum in part because of the felling which the landowner undertook and the residential nature of this development. The dense woodland edge which previously provided protection and would be expected, has been removed and 24 hour residential occupation including by domestic pets would require increased levels of buffer.
- The tilted balance and Local Plan housing numbers – the Council's inability to demonstrate a 5 year housing land supply does not impact the determination of this application as the application of policies in the NPPF that protect areas and assets of particular importance (the AONB, Listed Buildings and the Charlbury Conservation Area as designated heritage assets, and the ancient woodland) provide a categorical reason for refusing the development application. The inclusion of this development in the Local Plan Housing Supply calculation is now irrelevant and directly contrary to the findings of the Local Plan inspection (see para 224 of the inspector's final report) in which the inspector concluded that policies in the Local Plan that require development in the Burford-Charlbury sub-area to respond only to local need were sound on the basis of the "significant opportunity for general development needs to be met outside the AONB".
- Highways - the continued acceptance by OCC of the adequacy of the footpath improvements approved under 15/03099/FUL is contrary to minimum footpath standards and puts pedestrians moving to and from the proposed site at material risk. The lack of safe pedestrian access marks the development as unsustainable creating an unacceptable amenity impact on Charlbury town centre users and residents from unnecessary additional vehicle movement and parking.
- Levelling-Up and Regeneration Act 2023 (LURA) amendment to Countryside and Rights of Way Act 2000 s245 (6)-(10) – In December 2023, the LPAs' statutory obligations towards protected landscapes in determining planning applications changed from a need to have regard to the statutory purpose of AONBs to a positive duty to "seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". Furthermore, LPAs in

AONBs are now required to “contribute to the implementation of” protected landscape management plans, in this case the Cotswolds National Landscape Management Plan 2023-2025. The objections of the Cotswolds Conservation Board to this application require resolution to comply with those statutory obligations.

- The importance of this site to wildlife conservation: LURA – Nature Recovery Networks - the LURA now requires Local Plans to take account of Local Nature Recovery Strategies (LNRS). The site has been identified as a Nature Recovery Area in the draft Oxfordshire LNRS, consultation on which completed on 1 December 2024.
- Non-compliance of ancient woodland replanting scheme - the proposed replanting of the woodland in accordance with the plan on p31 of the revised Planning Statement is outside the development site and the control of the applicant and therefore cannot be relied on or considered and further submit that this replanting breaches the Forestry Commission's felling licence conditions. The licence permitted the creation of open space (0.07ha) within the hazel woodland and not within the poplar plantation which directly abutted the development boundary. The licence therefore requires replanting of the woodland right up to the development boundary. The Forestry Commission will review compliance with the licence at its expiry.

4 APPLICANT'S CASE

4.1 The submitted Planning Statement concludes as follows:

“The Council cannot currently demonstrate a five year land supply. In such cases, the requirements of paragraph 11 of the NPPF are pertinent. It is acknowledged that the NPPF at paragraph 11 notes that ‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed’ The NPPF identifies the AONB and Ancient Woodland (as irreplaceable habitat) as having specific protection.

The proposed development would not have an adverse impact upon the ancient woodland and how the development constitutes exceptional circumstances to justify development in the AONB. Exceptional circumstances are considered to be demonstrated given the provision of housing, particularly affordable housing, in an area where opportunities are rare and where there is a distinct need identified both in the Local plan and the Neighbourhood Plan. The opportunity to provide for these local communities is not possible outside of the AONB given the reach of the AONB in the District (and in particular this sub area) and the impact upon the AONB is limited given the contained nature of the site and the comprehensive landscaping scheme which is proposed as part of the application.

Additionally, it is demonstrated that the limited less than substantial harm which is caused to the heritage assets (adjacent train station building) would be outweighed by public benefits. The assessment demonstrates that the proposals would meet with the requirement of specific paragraphs of the NPPF in relation to Ancient Woodland and the National Landscape.

Furthermore, it is outlined that there are no strong reasons to refuse planning permission. On this basis, the tilted balance applies, and planning permission should be granted unless: ‘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.’ (Paragraph 11 d) ii.)”.

5 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
T4NEW Parking provision
EH1 Cotswolds AONB
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
BC1 Burford – Charlbury sub-area strategy
CHARLNP Charlbury Neighbourhood Plan
The Cotswolds National Landscape Management Plan 2023-2025
NPPF 2024
NATDES National Design Guide
DESGUI West Oxfordshire Design Guide

6 PLANNING ASSESSMENT

- 6.1 The site measures approximately 2.4 hectares in area and comprises an open grass paddock. It lies to the west of the village of Charlbury on the southern side of Forest Road (B4437) adjoining the enclave of development to the rear of the railway station. Rushy Bank Ancient Woodland marks the western boundary of the site, which lies within the Cotswolds National Landscape (formerly AONB). The Charlbury Conservation Area lies on the eastern side of the railway line.
- 6.2 The proposal is for the erection of 37 dwellings including access road, landscaping, and associated earthworks. The Planning Statement (PS) states that the proposed development would offer a mix of 1-bedroom to 4 -bedroom dwellings comprising market, affordable, and specialist accommodation for older people and/ or those with disabilities. This would include 21 affordable housing (15 social rent and 6 discount market) dwellings, including 7 one bedroom assisted living bungalows, and 16 market housing dwellings, of which 12 would be self-build.

Background Information / Relevant Planning History and Judicial Review Judgements

- 6.3 Planning permission was granted for a residential development of 25 dwellings comprising self/custom build, market housing and affordable housing (use class C3) and a 12 bed supported

living (sui generis) facility with associated access, parking, and landscaping subject to a s106 agreement on 20th January 2020 (Ref: 15/03099/FUL). At the time of the Sub-Committee's resolution to grant in December 2017, the Council's housing supply calculations (as of February 2015) confirmed that the District had a five year land supply. As part of this permission, ecological assessments and biodiversity management plans proposed a 5m buffer zone between the proposed development and the Ancient Woodland to the west.

- 6.4 An application was then made to discharge conditions 3 (parking details), condition 6 (construction traffic management plan), condition 7 (surface water drainage scheme), condition 8 (construction management plan), condition 12 (scheme of hard and soft landscaping) and condition 13 (trees in relation to design demolition and construction) of this permission in January 2022, which was approved in August 2022 (Ref: 22/00254/CND). Documents submitted to discharge these conditions showed the implementation of the 5m buffer zone. At this point, the approved plans showed that the 5 metre buffer was not achieved at three locations along the western boundary.
- 6.5 Material operations started on site in September 2022 in line with the details approved under application 22/00254/CND. These works involved the creation of the current vehicular access into the site along Forest Road. These works were confirmed by the Council as constituting a material commencement of development.
- 6.6 Following the approval of application 22/00254/CND, a local action group, called the Friends of the West Oxfordshire Cotswolds ("FWOC") then brought judicial review proceedings in respect of this discharge of conditions approval, which focused upon the proposition that the approval of the Ecological Management Plan and Construction Management Plan did not account for the impossibility of achieving a 5-metre buffer around the site as required by condition 8 of the original approval. It was also concluded that condition 13 had not been fully complied with on the basis that the tree protection measures did not fully comply with the required British Standard. Access to the site was not an issue in these proceedings. In April 2023, the discharge of conditions approval was quashed by HHJ Jarman KC in the case of R (on the application of Friends of West Oxfordshire Cotswolds) v West Oxfordshire DC [2023] EWHC 901 (Admin).
- 6.7 The discharge of condition application (Ref. 22/00254/CND) was subsequently referred back to the Council for determination and remains live but undetermined.
- 6.8 In order to try and overcome the main ground of challenge, an application was then made in November 2022 pursuant to section 73 of the Town and Country Planning Act 1990 (TCPA 1990) for a "*Variation of conditions 2, 3, 6, 7, 8 and 12 of permission 15/03099/FUL to adequately address land level changes and to ensure that a suitable ecological buffer is provided around the edge of the development*" (Ref. 22/03294/S73). This application sought approval for amendments to the house types and layout previously approved to allow for the recommended 5 metre ecological buffer around the edge of the site to be provided in all locations and to ensure that level access could be achieved.
- 6.9 Following the approval of planning permission in March 2023, ground works began on site in the form of laying out of concrete foundations for one plot of the Section 73 development. These works were also considered by the Council to establish that a material commencement of 22/03294/S73 had taken place.
- 6.10 In May 2023, FWOC subsequently challenged the Section 73 permission (Ref. 22/03294/S73) on the grounds that the Council had no power to grant the Section 73 permission because the original

planning permission (Ref: 15/03099/FUL) had expired without being lawfully commenced. In September 2024, Morris J. handed down a judgment (R(on the application of Friends of West Oxfordshire Cotswolds) v West Oxfordshire DC [2024] EWHC 2291 (Admin) quashing the Section 73 consent on that basis.

- 6.11 The question of whether the previous permissions granted (Refs. 15/03099/FUL, 22/00254/CND and 22/03294/S73) by the Council are extant or not was answered unequivocally in the 2024 judicial review proceedings/litigation in respect of the Section 73 permission. In that case, Morris J. held that the effect of the earlier litigation was that at the time that the Section 73 permission (Ref. 22/03294/S73) was granted that the Courts had retrospectively quashed the discharge of condition permission (Ref. 22/00254/CND) in respect of the original permission (Ref. 15/03099/FUL). At paragraph 95, Morris J. concludes that the original permission was not lawfully commenced and at paragraph 114 that the Section 73 permission had to be quashed since at the time it was granted the original permission had expired.
- 6.12 It follows therefore that at this point there is no fall-back permission in the sense that there is no extant implementable consent that has a realistic prospect of being implemented or delivered in the future.
- 6.13 Similarly, whether the fact that planning permission has previously been granted on this site (for similar development) is a material consideration and the weight which should be attached to that fact, including any supporting case law, was also addressed specifically within the judgment of Morris J. At paragraph 141 he concludes that since the original permission had expired because pre-conditions which went to the heart of the permission had not been discharged, then there could not be a fall-back.
- 6.14 Morris J. summarises the law in respect of how to approach the question of the 'fall back' as a material consideration at paragraph 125, quoting from the case of R (Widdington PC) v Uttleford DC [2023] EWHC 1709 (Admin) at §30:

"The key points (as far as material for present purposes) are:-

- a. The applicant has a lawful ability to undertake the fallback development;*
- b. The applicant can show that there is at least a "real prospect" that it will undertake the "fallback" development if planning permission is refused. In Mansell at §27, Lindblom LJ explained that: "the basic principle is that "for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice".*
- c. Where a planning authority is satisfied that a fallback development should be treated as a material consideration, the authority will then have to consider what weight it should be afforded . This will involve:*
 - i. An assessment of the degree of probability of the fallback occurring. As Dove J observes in Gambone at para 27, the weight which might be attached to the fallback will vary materially from case to case and will be particularly fact sensitive; and*
 - ii. A comparison between the planning implications of the fallback and the planning implications of the Proposed Development: Gambone paras 26-28.*
- d. The Courts have cautioned against imposing prescriptive requirements as to how and with what degree of precision the fallback is to be assessed by the decision maker. This is in recognition of the fact that what is required in any given case is fact sensitive."*

- 6.15 That said, it is well established that the planning history of a site, including even previous, expired grants and refusals of permission, may be a relevant consideration to the determination of a planning application: (see North Wiltshire District Council v Secretary of State for the Environment

[1993] 65 P. & C.R. 137 per Mann L.J. at 145). However, this has more relevance particularly in relation to the consistency of decision making if the previous permissions have expired as is the case here.

- 6.16 Thus, in this case, there is no “fall-back” position to rely upon, but it is material that in the past the LPA has concluded that the planning balance weighed in favour of the grant of permission, and that whilst there is no obligation for like cases to be decided alike, nonetheless if a decision maker were to reach a different conclusion to a past decision maker, then it will be obliged to provide a rational reason for doing so (see N. Wilts (supra)). It is also relevant to note that since the approval of application 15/03099/FUL in January 2020 and application 22/03294/S73 in March 2023. the Council is no longer able to demonstrate a five-year land supply.

Amendments during the course of the application

- 6.17 During the course of the application, the following additional information and amendments have been received:
- Realignment of the access point for refuse vehicle tracking in response to comments from OCC Highways;
 - Substitution of house types on plots 1, 2, 4, 5, 6, 7, 8 and 9 in response to WODC Conservation and Design Officer comments;
 - Updated landscaping proposals to include a woodland planting block;
 - Amended Ecological Impact Assessment responding to the changes to the landscape proposals and a Landscape Ecological Management Plan has been prepared to support the application.
 - Amended Site Layout;
 - Coloured Layout;
 - Materials Plan;
 - Means of enclosure plan;
 - Surface materials plan;
 - Construction Environmental Management Plan (CEMP);
 - Storey Heights Plan;
 - Refuse Strategy Plan;
 - Charlbury House type Pack;
 - Charlbury Street Scenes;
 - Landscape Layout;
 - Design and Access Statement;
 - Tracking Plans (1-3);
 - Amended Ecology Report and recalculated Biodiversity Net Gain (BNG);
 - Amended Energy and Sustainability Statement;
 - Updated Transport Statement;
 - Updated Flood Risk Assessment;
 - Acoustic Assessment; and
 - Landscape Visual Impact Assessment (including appendices of plans, Photos and Wireframes);
- 6.18 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
 - Impact on Landscape/Setting of Cotswolds National Landscape (AONB)

- Affordable Housing/Housing Mix
- Layout, Design and Scale
- Impact on Heritage Assets
- Highway Impact and Pedestrian Accessibility
- Residential Amenity/Noise/Air Quality
- Flood Risk/Drainage/Water Supply
- Ancient Woodland/Trees/Biodiversity
- Sustainability/Climate Change
- S106 Contributions

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

Principle of development

6.20 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 TCPA 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.

Development Plan Policies

- 6.21 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 in Policy OS2.
- 6.22 Charlbury is identified as a rural service centre in the Local Plan. Nevertheless, this site lies outside the village, within the open countryside and Policy H2 sets out that new dwellings will only be permitted where they comply with the general principles set out in Policy OS2 and in certain circumstance including, inter alia, where there is a specific local need that cannot be met in any other way.
- 6.23 Policy BC1 sets out that within the Burford-Charlbury sub-area the focus of new development will be in Burford and Charlbury and that these towns are relatively constrained by their AONB locations so are suitable for a modest level of development. It goes on to state that development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. The Local Plan recognises that housing affordability is a key issue in Charlbury.
- 6.24 Policy CH1 of the Charlbury NP supports a modest level of new housing where it helps to reinforce the existing role of Charlbury as a rural service centre. Development is supported on sites within and adjacent to the built-up area. It specifically identifies that the station complex and the Rushy Bank development (Ref. 15/03099/FUL) are not regarded as part of the built-up area for future planning purposes.

6.25 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.

6.26 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.

6.27 The application site sits next to an enclave of industrial development and Charlbury Railway station. It 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 and the distribution of housing is dealt with in detail below.

National Policy/Guidance

6.28 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.

6.29 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.

6.30 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).

6.31 Where policies are considered 'out of date', planning permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposal; or, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole. The NPPF further notes that this should have particular regard to 'key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

6.32 The Site is within the Cotswold National Landscape. Paragraph 11 d) i) at footnote 7 identifies that the AONB and 'irreplaceable habitats' are considered to be areas or assets of particular importance where the NPPF provides specific guidance regarding protection of these areas.

6.33 In relation to the National Landscape paragraph 189 notes that great weight should be given to conserving or enhancing landscape and scenic beauty and that the extent of development in these areas should be limited. Paragraph 190 outlines that major development in these areas should be refused other than in exceptional circumstances.

6.34 The site is adjacent to Ancient Woodland which are identified as irreplaceable habitats. In this context paragraph 193 c) notes that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. 'Exceptional circumstances' are identified in footnote 70 of the NPPF as including schemes where the public benefit would clearly outweigh the loss or deterioration.

6.35 Both of these matters will be considered further in the relevant sections of this report.

"Fall Back" Permissions

6.36 Residential development has previously been approved on this site and whilst there is no "fall back" position to rely upon, having regard to the materially similar circumstances of the two previous decisions granted, Officers consider that the planning history of the site is a material consideration of great weight in the determination of this application. Even though these permissions do not mandate any particular outcome in this application, as a matter of judgment Officers take the view that the position that was reached in the previous permissions remains valid and there are no reasons to depart from it for the reasons set out below.

Relevant Planning History

- 6.37 A key consideration for the decision maker (i.e. the LPA) is whether there are any material changes in planning circumstances since the consideration of the previous applications when compared to the current application. The previous approval (Ref. 15/03099/FUL) was considered in the context of the previous Local Plan which was less permissive in relation to the location of dwellings. The Officer's report for this previous determination identified that the Local Plan at that time (the 2011 Local Plan) generally resisted greenfield development beyond settlement boundaries. The report also indicates that this site is considered to be in an edge of settlement location. The context is therefore that the previous approval (Ref. 15/03099/FUL) was considered acceptable in planning terms in circumstances where policy was less favourable to development of this type. The subsequent Section 73 permission (Ref. 22/03294/S73) was considered acceptable under the current Local Plan and since then there have been no substantive change in terms of impacts on the AONB/National Landscape or Ancient Woodland as a consequence of the current proposal to depart from a similar decision being taken.
- 6.38 As concluded by the Council in the previous approval, the site is still considered to be on the edge of the settlement and constitutes previously undeveloped land. In these locations the provision of new dwellings will be supported where it is proposed to meet identified housing needs and where the proposal complies with other policies of the Local Plan.

Five Year Housing Land Supply and Housing Need

- 6.39 When the previous applications were determined, the Council was able to demonstrate a five-year land supply. This is no longer the case, and the Council is currently unable to demonstrate a deliverable five-year housing land supply (HLS). 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. In the recent appeal decision relating to 28 new dwellings on Land north of Woodstock Road, Charlbury (LPA Ref. 23/02399/FUL and Appeal Ref: APP/D3125/W/24/3351969), the Inspector commented (paragraph 51) in his decision notice dated 29th May 2025 that *"the main parties agree that the Council is unable to demonstrate a sufficient five-year supply of housing land but dispute the extent of the shortfall. The Council suggest that it is in the region of 4.3 years, although they acknowledge that with application of the standard method for calculating housing need there is likely to be further deterioration in the supply. The appellant at the hearing advised that he considered the supply to be more likely in the region of 3.5 years.. 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 five-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.*
- 6.40 It is established that the District Council has a general housing need which needs to be met throughout the District. Whether or not the LPA can demonstrate a five year land supply, the provision of dwellings in sustainable locations (subject to other considerations) should be supported by the Council and this is reinforced in paragraph 11 d) of the NPPF. The Local Plan identifies no housing allocations in Charlbury partly due to the location of the settlement within the National Landscape. This does not however, mean that there is no housing need within these areas.
- 6.41 The application site provides for 57% affordable housing. Consultation with the Council's Housing Officer (HO) has identified that there is a significant demand for affordable housing within the Charlbury Area and the Charlbury Neighbourhood Plan (CNP) identifies a need for 23 affordable homes.

- 6.42 There are over 1,900 applicants registered on the Council's waiting list and of those, 101 applicants have expressed a preference of a dwelling in Charlbury and 43 of those already live in Charlbury. There are therefore over 100 applicants who are in need of affordable housing in Charlbury, eight of which need solely ground floor accommodation or access to a lift. The provision of 21 dwellings as affordable units in this location would go some way to addressing the affordable housing needs of the local community. Furthermore, the proposals would provide dwellings for those who have specialist housing needs in the forms of the bungalows proposed.
- 6.43 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.
- 6.44 An assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

Impact on Landscape/Setting of Cotswolds National Landscape

- 6.45 The site is located within the Cotswolds National Landscape along with the totality of the Charlbury and Burford Sub Area. In this regard, policy EH1 of the Local Plan, Policy NE1 of the CNP and paragraphs 189-191 of the NPPF are of key consideration. Essentially each of these policies set out the same considerations as the NPPF with great weight being given to conserving and enhancing the area's natural beauty.

Whether the Application Constitutes "Major" Development

- 6.46 When considering applications for development within National Landscapes, paragraph 190 of the NPPF advises that:
- "permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*
- 6.47 Footnote 67 of the NPPF advises for the purposes of paragraph 190, "whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale, and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

- 6.48 There are no set rules as to what comprises “major development” within what is now termed a National Landscape (formerly an AONB), and the Courts have held that it is a matter of judgment in all of the circumstances of the case (see *R (on the Application of Hilltop Experiences) v Norfolk CC* [2025] EWHC 1447 (Admin)).
- 6.49 In the Hilltop case, Lieven J. observed reiterated earlier jurisprudence to the effect that “major development” for the purposes of NPPF guidance in respect of AONB/NL is not to be equated with the use of the term in the Town and Country Planning (Development Management Procedure) England Order 2015 (per Lieven J. at para 77, endorsing *Aston v SSCLG* [2013] EWHC 1936 at paragraph 93) comprising residential development of more than 10 dwellings or on a site having an area of more than 1 hectare.
- 6.50 At paragraph 81, Lieven J. made it clear that once a planning judgment has been formed, then it can only be challenged on the grounds of rationality (which is a high bar – see *Newsmith v SOS* [2001] EWHC 74 Admin).
- 6.51 The Cotswold National Landscape Board (formally the Cotswolds Conservation Board) (CNLB) have objected to the proposed development and are of the view that it would constitute “major development” in the context of paragraph 190 of the NPPF. Based on the definition of “major development” contained in footnote 67 of the NPPF as set out above, they assert the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. They consider that those ‘exceptional circumstances’ have not been demonstrated, and the proposal as submitted does not accord with the Local Plan or Cotswolds National Landscape Management Plan.
- 6.52 The case of *Porter v Secretary of State for Communities and Local Government* [2013] EWHC 2314 (Admin) (commonly referred to as *Porter No.2*) is a key legal precedent in understanding what constitutes “major development” in AONBs. In this case, the key judgement points made by Sullivan LJ. were as follows:
- 1) “Major development” is not just about scale or size. It is a planning judgment, not a purely quantitative or threshold-based one.
 - 2) Context matters. What might be a small development in an urban area can be major in a sensitive AONB context. The nature, location, and potential impact on the AONB are all relevant to deciding whether something is “major.”
 - 3) There is no fixed definition. The court rejected the idea that “major development” should be defined only by the thresholds in the Town and Country Planning (Development Management Procedure) (England) Order 2010, which defines major development more rigidly (e.g. 10+ dwellings, 1,000+ sqm floor space).
 - 4) Ultimately, it is for the decision-maker (the LPA) to decide, subject to rationality. So long as the planning authority considers all relevant factors and comes to a reasoned judgment, courts will be slow to interfere.
- 6.53 The *Porter No. 2* judgment confirms that “major development” in AONBs is a flexible, context-sensitive concept, and not automatically defined by rigid legislative thresholds. It gives LPAs

authorities discretion, but this discretion must be exercised carefully and with clear justification, especially given the high level of protection afforded to AONBs.

- 6.54 In Summary, the Porter No. 2 case established that the determination of whether a proposal is “major development” in an AONB is a matter of planning judgment — based on the proposal’s scale, impact, and sensitivity of its context — not simply on legislative thresholds.
- 6.55 It is important to note from the above case law that in relation to consistency it does not indicate that there needs to be a “good reason” to depart from a decision reached in a materially similar case. All that is required is that any departure from a materially similar case/decision is adequately reasoned. Provided there is a rational reason that is properly and adequately explained, it is entirely permissible to depart from a previous decision/finding. This is because of the common law rule against fettering of discretion and also the fact that under the TCPA 1990 all applications must be determined on their own merits.
- 6.56 In the recent May 2025 appeal decision relating to Land north of Woodstock Road, Charlbury (LPA Ref. 23/02399/FUL referenced above, the Inspector did not consider a proposal for 28 new dwellings to be “major development” He noted (paragraphs 18 to 20):

”The National Landscape designation does not preclude development and there would be beneficial impacts from the Cotswolds vernacular design and a landscape led approach mainly in the form of the managed boundary buffer. Albeit on a small and enclosed field atypical of the wider landscape there would be a major adverse change through the development of a green field for residential development and the introduction of built form, hard surfacing, and associated infrastructure.

Given the overall size of the Cotswolds NL and the particular characteristics of the site its loss to development would not be significant in the context of the key qualities and landscape features of the Cotswolds NL as a whole. That said, paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Framework states that for the purposes of paragraph 190 it is a matter for the decision maker to determine whether a proposal constitutes major development in a NL. The appellant, Council and Cotswolds Conservation Board are of the view that the proposed development would not be major development in the Cotswolds NL. Based on the evidence before me I have no reason to conclude otherwise.”

- 6.57 The Officers report relating to the previous lapsed approval (Ref. 15/03099/FUL) for development on this site (also for a total of 37 dwellings and within a similar development envelope as now proposed) did not consider that the proposed development constituted “major development”. This was contrary to the view of CNLB who considered it to be major development. The officers report noted that: *‘it is open to the Local Planning Authority to conclude, as a matter of planning judgement that the development is not major development in the AONB [now National Landscape]. Your officers consider that it would be reasonable to conclude that a development of this scale and form, proposed in the context of a site where its impact is constrained by landform, built form and vegetation is not major....’* Whilst the minutes of the Uplands Planning Area Planning Sub-Committee in December 2017 indicate that there was some discussion on this matter there is no indication that the Sub-Committee took a different view.

- 6.58 Officers therefore recognise that on a previous occasion in respect of a similar (but by no means identical scheme) Officers previously considered it reasonable to regard a development of 37 new dwellings as not constituting “major development”. Whilst it would be open to the LPA to now form a different view that the development now proposed does comprise “major development” in the National Landscape, based on the principle of consistency of decision making (N. Wilts supra), it would be obliged to provide a rational reason, that is properly and adequately explained, as to why it had formed a different view when compared to the original now lapsed permission.
- 6.59 The proposed development is residential in nature and is considered appropriate to a setting on the edge of a Cotswolds settlement. Enclosed by surrounding boundary vegetation and woodland, the proposed development would have a limited visual envelope. The proposed development is well designed and would complement the character and form of dwellings in the locality. The simple layout is set back from Forest Road allowing for the provision of generous planting at the road frontage to the site. The layout will work with the changing levels of the site providing a staggered development which steps into the valley side ensuring that the development assimilates with the rising ground levels. The proposed dwellings are of a design and form that would be proportionate and appropriate to the scale of Charlbury forming a logical extension of the existing built form /settlement westwards. The scale and massing of the dwellings individually would be characteristic of the local vernacular including narrow gabled forms and steeply pitched roofs. With a maximum height of two-storeys proposed, the proposals would be similar in height and scale to the previously approved scheme which was considered to be “minor” rather than “major” development.
- 6.60 The setting of the site is summarised in the extract from the submitted Landscape Visual Impact Assessment set out in paragraph 6.62 below with further discussion about landscape and visual impacts then being provided below.
- 6.61 Taking into account the nature, scale, and setting of the current proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined, and applying planning judgment and fact and degree, based on a professional evaluation of the current proposals, Officers disagree with the above view of the CNLB and do not consider that the current proposal would constitute “major development.”

Impact on Landscape and Setting of Cotswolds National Landscape

- 6.62 A new Landscape Visual Impact Assessment (LVIA) has been submitted as part of the current application which carries out a full landscape and visual impact assessment in line with industry guidance. The Assessment considers various viewpoints, receptors and impacts and it concludes:

“Planning consents for a similar development within the site were granted in May 2017 (quashed through Judicial Review) and again in January 2020 but not constructed. The submitted proposals are broadly comparable to approved schemes, with an access point, road structure and street layout similar to proposals approved as part of the original permission and subsequent Section 73 application. The proposed development is now set slightly further away from the edge of the ancient woodland. Some additional characteristic native tree species have been included at the edges of the site to align better with local landscape character and new wetland habitats would be created to the south-west as part of the SuDS strategy, which would complement the adjacent waterway. The proposed development continues to be broken up by small copses of native tree and scrub planting. The proposed development is therefore in line with the approved scheme but with some localised improvement

Situated in a local valley feature, and enclosed by surrounding boundary vegetation and woodland, the proposed development would have a limited visual envelope. There would be a minor effect on the views experienced by walkers along public rights of way in the National Landscape at construction which would have reduced to Negligible following the establishment of the new tree planting (10 years post completion). Motorists near the site would have more open, closer range views of the development, but these would be fleeting, seen in context with existing urban influences and by receptors recognised as having a reduced sensitivity. There are likely to be glimpses of the proposed development from upper storey windows of occasional properties within the conservation area, on the opposite side of the valley, however these would be seen in context with the existing built up area and Forest Road Works. The landscape structure would take time to establish, but proposed trees would reach a similar height to the eaves of proposed houses after 10 years and would increasingly soften built form’.

In summary, the proposed development has regard for landscape related policy, and over time would have a beneficial effect on landscape features (particularly boundary trees), a minor adverse effect on landscape character within the site, but Negligible effects on the character of the wider National Landscape. Residual visual effects are predicted to be and minor adverse (at worst) to Negligible effect on views. The proposed development would be difficult to perceive or would fit in with existing baseline views, from the vast majority of publicly accessible viewpoints within the study area of the assessment.”

Landscape Effects

- 6.63 In considering the landscape effects of the proposals, the LVIA notes that during the time of construction, the pastoral grassland which forms the main body of the site would be lost, however this feature is not rare and could be recreated over time. It is judged that the magnitude of change on the grassland would be medium adverse at the time of construction, and the effect Moderate adverse. The vast majority of boundary features would be protected and retained during construction, the magnitude of change on boundary features would be Very Low adverse at the time of construction and the effect Minor adverse.
- 6.64 The site has a slightly reduced susceptibility to development given detracting influences described in the baseline, and the magnitude of change at the time of construction is judged to be Medium adverse. However, given the High sensitivity of the landscape character of the site within the National Landscape, the proposed development is predicted to have a Substantial adverse effect on the landscape character of the site at the time of construction.
- 6.65 The wider local landscape character also has high sensitivity, although the magnitude of change at the time of construction is judged to be Low adverse giving a Minor adverse effect at the time of construction.
- 6.66 At completion, the character of the built form would be set, representing a new housing development, positively designed and reflecting local vernacular. The proposed planting scheme would be implemented and would include new native and street trees, native tree copses and scrub and new grassland and wetland features. The overall quantity of internal features would increase and would be a benefit to the character of the site. Following the completion of the proposals, it is anticipated that the effects assessed at construction would begin to reduce.
- 6.67 As the landscape strategy is established, the positive effects of the proposals would become more apparent. The site would have changed from a characteristic field in pasture, to a characteristic development, which fits well within a retained and improved landscape structure. Extensive planting would more than compensate for the small loss of existing vegetation at the time of construction and

would enhance the landscape structure of the site and tree cover within the National Landscape. There would be offsets from existing treed boundaries with complementary planting and improved maintenance. After 10 years it is judged that the development would have a Minor beneficial effect on the internal site features and a Moderate beneficial effect on site boundaries. In context with its surrounding influences, it is judged that the effect of the proposed development would reduce to Minor adverse after 10 years.

- 6.68 The effects of the proposals on the overall character of the site would reduce to Minor adverse within 10 years of completion. The additional boundary planting would further assimilate the proposed development into the surroundings as demonstrated by the submitted photomontages. The development would be seen in the context of Forest Road works in close range from the edge of town to the north and east of the site and would not affect the character of the rural landscape to the west and south. The new planting adjacent to the ancient woodland would be complementary. The residual effects on the surrounding National Landscape are judged to be Negligible.

Visual Effects

- 6.69 In considering the visual effects of the proposals, as with the existing site, the proposed development would have a relatively limited visual envelope due to the surrounding vegetation, topography, and buildings, with close range views from nearby vantage points, and glimpses from occasional locations within the wider landscape. The proposed development would result in a slight increase (almost imperceptible in many cases) in the amount of built form visible from the receptors which have views of the site. The proposed buildings would be in keeping with the local vernacular and would be partially obscured or filtered by intervening vegetation and/or seen in context with existing urban influences.
- 6.70 At the time of construction, the proposed development would not be visible from the majority of public rights of way in the area. However, activity to construct the proposed buildings would likely be glimpsed in the distance from public footpaths 156/6/20, 156/3/10, and 156/7/20 on the elevated ground north of the site. Whilst this would be an adverse effect on walkers within the National Landscape, the majority of construction activity would be obscured by intervening vegetation from these vantage points and as such the magnitude of change is considered to be Low adverse, and the effect Minor adverse at the time of construction.
- 6.71 Construction activity would be obscured in views from the majority of roads in the areas. However, activity to construct the proposals would be visible to motorists along roads near the site, including Forest Road and Dyer Hill, to varying degrees depending on proximity to the site. There would be open views of construction activity from Forest Road as it passes adjacent to the site on the approach into Charlbury and leaving the village. Although seen fleetingly and in association with the existing settlement and Forest Road Works, the magnitude of change on the views of motorist along this route is considered to be High adverse at the time of construction, although given the low sensitivity of the motorists, the effect would be Moderate adverse.
- 6.72 Construction would be seen in the distance by motorists along a section of Grammar School Hill. There are expansive views across the rural, largely undeveloped landscape of the National Landscape from this section of road. However, construction activity would be distant, glimpsed through gaps in intervening and surrounding tree cover and form a small part of the wider view. Seen fleetingly, construction activity is judged to have a Medium adverse magnitude of change on the views of motorists along Grammar School Hill, and a Moderate adverse effect at the time of construction.

- 6.73 Construction activity is likely to be identifiable by users of Charlbury railway station as they walk across the station overbridge between platforms, and fleeting by train passengers, however given the receptors low sensitivity and the limited magnitude of change, the effect on railway passengers at the time of construction is judged to be Negligible.
- 6.74 Once completed, views of the development from public footpaths 156/6/20, 156/3/10 and 156/7/20 are likely to be limited to glimpses of rooftops within the site. After 10 years, distant glimpses of rooftops would be assimilated into the wider view by a combination of existing landscape structure and establishing tree planting which would have reached a similar height to the eaves of the proposed houses. This would be similar to the baseline views, where slate rooftops can be seen within the wooded landscape of the wider panorama. It is considered that after 10 years, the proposed development would have a Negligible effect on the views experienced by walkers along public footpaths.
- 6.75 Once constructed, proposed houses would be clearly visible by motorists travelling along Forest Road (see wireframe photomontage 9B) and to a lesser extent from Dyer Hill. Over time proposed planting would begin to soften and obscure built form, with proposed trees reaching a similar height to the eaves of proposed buildings after 10 years, but proposed houses are likely to remain noticeable to motorists along the route approaching and passing the site. Seen fleeting and set within a treed context but in association with existing urban influences including the Forest Road Works and the edge of Charlbury, the magnitude of change on the views experienced by motorists along Forest Road is judged to be Medium adverse after 10 years, and the effect Minor adverse after 10 years. At greater distance, the magnitude of change on the views experienced by motorists along Dyer's Hill is judged to be Low adverse, resulting in a Negligible effect after 10 years.
- 6.76 When travelling north along Grammar School Hill, the proposed development would initially be obscured from motorists views by intervening vegetation. However, proposed houses would become identifiable in motorists views further north as the edge of Charlbury also comes into view. Views of the proposed development would primarily consist of a distant cluster of rooftops nestled within surrounding tree cover and would not break the skyline. Although initially appearing separate from the main extent of Charlbury, the development would be seen in context with the built up area of Charlbury closer in the view and would form a relatively limited part of the wider view experienced by motorists travelling north towards Charlbury. After 10 years, proposed trees would be establishing and beginning to soften built form, and it is judged that the magnitude of change would be Low adverse and the effect Minor adverse on motorists along Grammar School Hill after 10 years.
- 6.77 The effect on railway passengers is judged to be Negligible 10 years after completion.
- 6.78 The magnitude of change and effect on views from private dwellings including listed buildings, are not assessed individually, however it is recognised that the development has the potential to effect the setting to the Conservation Area as a whole. There would be no view of the proposed development, or it would be difficult to perceive, due to intervening vegetation and buildings, from the majority of the Conservation Area. Where there are views of the development from the Conservation Area, views of proposed houses would primarily be distant and/or seen in context with existing urban influences such as Forest Road Works or other buildings within or adjacent to the Conservation Area. The development is located on slopes facing the Conservation Area, however, is set adjacent to an existing cluster of development associated with the railway and contained by existing landscape structure, and as such would likely have a relatively limited adverse effect on the wider setting to the Conservation Area.

- 6.79 Notwithstanding the fact that the impact of the proposed development on the National Landscape is considered limited, should the Committee disagree with Officer's view that the proposal would not constitute "major development" and prefer the view of the CNLB that the scheme would have "potential" significant adverse effects (also bearing in mind that the threshold of significance is a matter of judgment, albeit that Members should reach this judgment on an evidentially and methodologically sound basis) then the scheme would fall to be regarded as "major" development.
- 6.80 The provision of "major" residential development in the National Landscape can still be considered acceptable where 'exceptional circumstances' are demonstrated. Paragraph 190 of the NPPF sets out a series of criteria which should be considered in the context of major development in the AONB. These criteria are set out within the PS and additional justification for meeting the test of 'exceptional circumstances' is provided by the applicant as follows.
- 6.81 The provision of homes in the local economy will support local employers by retaining a local population for jobs. The retention of generally younger households in the local area will also support the vitality of the community maintaining a range of services and facilities which may not be maintained with an aging population. It remains the case that the provision of this development would have positive impacts in relation to the national drive for the provision of housing, the local need for development and the local economy.
- 6.82 Given that the majority of this sub-area is within the National Landscape the opportunities for providing housing and affordable housing to meet the needs of households in Charlbury is non-existent. To gain affordable housing in the context of no allocated sites windfall development would need to be relied upon. The Council's waiting list identifies 100 households wishing to access affordable housing in Charlbury which, would not be met through the rate of windfall sites which have come forward in the sub-area or specifically Charlbury. Simply, meeting the need of households in need in Charlbury, by providing them with a home in the area in which they have local connections, is not possible without the allowance of development within the AONB.
- 6.83 Of consideration in this context is the Called in Appeal Decision relating to Appeal APP/M2270/V/21/3273015 within which the Secretary of State agreed with the Planning Inspector conclusions who outlined that *'When assessing whether there are exceptional circumstances in the context of para 177, the relevant legal authorities indicate that, while it is not a conventional balancing exercise, all of the benefits of the development in question can be taken into account, each benefit does not have to be exceptional alone and nor do they have to be unlikely to occur in a similar fashion elsewhere'* (Paragraph 800). Further, stating that: *'I would stress that this conclusion is not just a consequence of unmet housing need. Rather it is a unique combination of factors including market and affordable housing need, there being no adopted strategy to fully address current and on-going housing need, uncertainty over when, if and in what form the eLP might be adopted, the constrained nature of the Borough and the apparent lack of available alternative sites, and the limited extent and degree of harm that would arise from the proposed development. It is these matters, combined with the other identified benefits that would be delivered, that come together to form the exceptional circumstances required to justify this proposed development in the terms of para 177 of the Framework'* (Paragraph 813).
- 6.84 It is considered that the proposed development, with the amended form and the proposed landscaping scheme ensures that the impact is moderated to such an extent that the development would not have any significant impact upon the wider National Landscape. The scheme proposed as part of this application, proposes the same number of dwellings, albeit in a different arrangement and a lower form of development to the previously approved scheme. The design, form, scale, and massing of the dwellings is more appropriate to a setting on the edge of a Cotswolds settlement and

the height of the development has been reduced. A number of benefits in the public interest will arise from the scheme, not least the provision of a number of forms of housing, including affordable housing provided in excess of the policy requirement. On this basis, the site remains contained and the same conclusions can be drawn in relation to the landscape impact and the benefits arising from allowing the development, are considered sufficient to constitute 'exceptional circumstances.'

- 6.85 Should the Committee consider that the proposals are "major" development and the 'exceptional circumstances' test applies, then at the end of the report (in the Conclusion and Planning Balance section) Officers have set out the factors that represent in their view 'exceptional circumstances.'
- 6.86 The 2023 Levelling Up and Regeneration Act (LURA) further strengthened the requirement for National Landscapes to be conserved. Coming into force on the 26 December 2023 the LURA placed a duty on relevant authorities to 'seek to further' the statutory purposes of protected landscapes which are "*conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated*"; and "*promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public*". The Guidance relating to this requirement published in December 2024 notes that regard should be had to the Management Plan of the protected landscape in the consideration of development proposals.
- 6.87 In this regard, the Cotswold National Landscape Management Plan 2025-2030 is the key document. The special qualities of the Cotswold National Landscape (CNL) are noted as the '*rich mosaic of historical, social, economic, cultural, geological, geomorphological, and ecological features*.' These are noted as including; large, open, and predominantly farmed landscape, ancient broadleaved woodlands, tranquillity from major sources on inappropriate noise, extensive dark skies, distinctive settlements developed in a Cotswold vernacular and an accessible landscape for quiet recreation for both urban and rural users.
- 6.88 The proposed development is located on a contained area of land which has no significant prominence on the wider area and does not erode the large, open landscape. The proposed development has also been designed to minimise light spillage in the area of dark skies. Whilst this is the case, the landscaping proposals which support the scheme include areas of large broadleaved woodland planting, contributing to one of the distinctive elements of the landscape. Alongside this grassland areas will be provided further contributing to distinctive habitats in the area. The proposed development will provide improvements to footpaths in the vicinity to provide better access for urban residents to access the network of public footpaths in the CNL. The vernacular design of the dwelling reinforces the traditional building traditions of the Cotswolds area. It is acknowledged that the scheme will change the character of this small area of land however, it is considered that the detail of the design and the considerations of the local landscape character in the landscape design have sought to further the special interest of the Cotswold National Landscape as required by the LURA.
- 6.89 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 a degree of landscape harm, and this is a matter that must be put into the planning balance to weigh against the proposal when considering the "great weight" that needs to be given to "conserving and enhancing landscape and scenic beauty in NLs" as required by paragraph 189 of the NPPF.

- 6.90 Overall, it is 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. Overall, the proposed development is considered to comply with policy EH1 of the Local Plan, policy NE1 of the CNP and the exceptional circumstances tests set by paragraph 190 of the NPPF were they to apply would be met.

Affordable Housing/Housing Mix

- 6.91 Policy H3 of the Local Plan sets out the Council's requirements in relation to affordable housing. It identifies that, in Charlbury which is within the medium value zone, the affordable housing requirement is 40%. Similarly, Policy CH2 of the Charlbury NP supports the provision of affordable housing with particular support for proposals which address the specific affordable housing needs identified in the NP. The NP identifies that additional provision specifically intended for the elderly may also be appropriate. Policy CN3 also supports the provision of lower-cost housing.
- 6.92 The application proposes 37 dwellings which would equate to an affordable housing provision of 14.8 units. The current application proposes 21 affordable dwellings on site equating to a 57% provision of affordable housing surpassing the requirements of the Local Plan.
- 6.93 As part of this provision consultation has been undertaken with the Council and OCC in relation to the forms of housing required in lieu of the former dementia care proposal. At the time of the previous application (Ref. 15/03099/FUL), dementia care was thought to be best provided within the care home environment however, this position has changed. Consultation revealed that the local care need is for individual bungalows which allow for care to be delivered in the home. The bungalows provide a flexible use for people with varying needs. The previous application proposed a 12 bed care facility, and this application replaces that with seven assisted living bungalows which will be secured by s106 to be retained in perpetuity to meet the care needs of the area.
- 6.94 The previous application (Ref. 15/03099/FUL) proposed 7 of the dwellings to be provided as affordable rented units with a further 6 proposed as discount market housing. Since that application was made the Government introduced the provision of 25% of affordable dwellings as first homes, however, this requirement has been removed in the latest version of the NPPF following the Labour Government coming to power.
- 6.95 Following this change discussion has been undertaken with the HO to determine which forms of affordable housing they would require at the site. They have confirmed that the preference for the affordable homes provided as part of the application would be for Social Rent as that is where the greatest demand will be. On this basis the application proposes the provision of 21 affordable units (15 social rented; and 6 affordable discount market housing) which equates to 57% affordable housing exceeding the requirements of the Local Plan in terms of affordable housing. The provision of the discount market housing also provides lower cost housing which accords with policy CH3 of the CNP. The affordable houses are located on the eastern part of the site.
- 6.96 In addition to the above, the proposed development provides specific need housing in the form of bungalows. The bungalows are provided instead of the dementia specific care home previously approved. Policy H4 of the Local Plan notes that development proposals should meet the needs of a range of different groups identifying older people and those with disabilities in particular. The assisted living bungalows provided as part of this application can cater for the needs of a greater range of people in need of specialist accommodation. The policy notes that the provision of specialist housing

for those with disabilities will be supported in accessible sustainable locations. The proposed development lies approximately 700 metres from the town centre of Charlbury and approximately 350 metres from the Railway Station which provides onward access to Oxford, London, and Worcester. Furthermore, the provision of bungalows rather than a specific care home means that the accommodation is flexible and can be used to cater for a number of groups rather than solely for specific dementia care.

- 6.97 Policy H4 of the Local Plan seeks to provide a good, balanced mix of property types and sizes. Policy CH6 of the CNP advises *'All new development (except affordable rented housing) should provide the following mix of dwelling sizes: at least 40% 1-2 bedrooms; approximately 40% 3 bedroom homes and no more than 20% 4+ bedroom homes; 5+ bedroom homes will only be supported where a specific local need can be demonstrated'* and policy CN7 which deals with affordable rented housing supports development proposals for affordable rented dwellings which include the provision of dwellings which have been designed to cater for the specific needs of the aging population of the town and/or people with disabilities where this approach is evidenced by the most up-to-date information available. Policy CN10 of the CNP supports in principle development that meets the particular needs of older people and those with disabilities currently living within the parish or with local connection to the parish.
- 6.98 The submitted PS sets out that a mix of sizes from 1-bedroom to 4 -bedroom dwellings are proposed. The specialist accommodation is provided as seven one bedroom bungalows. This mix together with the affordable housing mix on the site would provide an appropriate mix of smaller and larger size dwellings.
- 6.99 The proposed development overprovides for affordable housing allowing access to a wide range of affordable products meeting the needs of a range of people. The scheme also provides for a specific form of housing to meet the needs of older persons and those people with disabilities who need access to specific care requirements. The affordable housing will be retained in perpetuity via a s106 with an appropriate mechanism for nominations for both the specialist and general affordable housing and offered to Charlbury local residents first through the use of a cascade mechanism . The scheme also provides for 12 custom build properties (32% of the total), and these will also be secured in the same way through a s106. at the site. The proposal is therefore considered to comply with policies H2, H4 and H5 of the Local Plan and the housing policies of the CNP.

Layout, design, and scale

- 6.100 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 and policy HE2 of the CNP 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 and the CNP contains Design Guidance (Appendix C).
- 6.101 The Council's Design and Conservation Officer notes that of the 37 dwellings proposed, most flank a road running along the mid-height contour, although with a spur running to the higher ground to the south-west -and pretty much following the constraints imposed by the shape of the site. There are garages to the market houses, with parking spaces generally set beside and between the other

properties. The general layout is roughly similar to that approved under 15/03099/FUL with dwellings also now located on the most prominent highest ground as per the previous permission.

- 6.102 There is a range of house designs, which are now considered to be acceptable in design and appearance. The layout of the revised scheme is broadly similar, but the primary road is now curved, with radial positioning of the buildings. This gives a more natural fit for the contours and could create a little more interest. The houses now have simpler massing and simpler elevational treatments - and they are now more securely rooted in the typical neo-vernacular.
- 6.103 The submitted PS advises that the layout of the site stems from the main spine road running north to south off of Forest Road. The orientation and layout of buildings have been designed to create active street frontages with gardens either; backing onto each other or facing green infrastructure or site boundaries. A five metre buffer is provided to the ancient woodland to the west of the site and the built form of development is a minimum of 15 metres away from the boundary with the woodland.
- 6.104 In terms of the location, this site lies in open countryside and adjoins an enclave of development adjacent to the railway station. The proposed development would form a logical complement to the existing pattern of development and the character of the area in accordance with Policy OS2.
- 6.105 The proposed development has been designed to respect the character and appearance of the wider area. The simple layout is set back from Forest Road allowing the provision of generous planting at the road frontage to the site. The layout will work with the changing levels of the site providing a staggered development which steps into the valley side ensuring that the development assimilates with the rising ground levels.
- 6.106 The scale and massing of the dwellings individually are characteristic of the local vernacular including narrow gabled forms and steeply pitched roofs. The height of the dwellings have been minimised through ensuring the eaves sit close to the lintols for the upper floor windows and the scheme includes exposed eaves which are all traditional features of the local vernacular.
- 6.107 A variety of house types will be utilised to reflect the varied character of street scenes within Charlbury. Varied roof forms are proposed but with generally flat fronted forms and simple elevations. Guidance from the Council's Design Guide has been utilised to inform the character of the dwellings.
- 6.108 A traditional palette of materials will be utilised to assimilate the development with the local context. The proposed development is considered to pay regard to the Council's Design Guide and will provide a high quality development.
- 6.109 The Thames Valley Police - Designing Out Crime Officer has raised no objection to the proposal subject to conditions relating to Secured by Design accreditation, defensible space and planting and lighting as suggested being attached to any permission granted.
- 6.110 Given the above, it is considered that the proposed development is appropriate to the character and appearance of the area, would provide high quality design and would complement the character and form of dwellings in the locality. The scheme is considered to be in accordance with policies OS2 and OS4 of the Local Plan and policy HE2 of the CNP.

Impact on Heritage Assets

- 6.111 The site lies to the west of the Charlbury Conservation Area (CA) and the nearest listed building is the main station building which is Grade II listed. 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 while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Relevant Policies of the Local Plan and Charlbury NP reflect these duties.
- 6.112 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).
- 6.113 The submitted PS states that whilst the proposed development will impact upon the setting of these heritage assets (the adjacent train station building) the level of harm is considered to be on the lower end of the less than substantial scale of harm.
- 6.114 The NPPF requires great weight to be given to the conservation of heritage assets. In this case the minimal incursion of development into the setting of these assets is considered to give rise to less than substantial harm and that the level of harm is at the lower end of that scale. In line with paragraph 215 of the NPPF it is considered that the public benefits of this scheme, not least the provision of housing to meet West Oxfordshire's identified need (noting that the site is already contained in the trajectory for delivery over the next five years) but also the provision of specialist housing to support older or disabled people to remain living in their local communities and the provision of affordable housing to allow a range of people to obtain access to a house of their own, demonstrate significant public benefits which outweigh this very limited level of harm.
- 6.115 Charlbury Conservation Area Advisory Committee object strongly to the proposed development on the grounds of its negative impact on the setting of the Charlbury Conservation Area (CA) and consider that the public benefit of the proposed development did not outweigh the detriment to the landscape in this case and that a similar benefit in terms of affordable housing could be achieved in another, less sensitive, location.
- 6.116 The Conservation and Design Officer (CDO) has commented that the Evenlode valley is a crucial feature of the CA, both in terms of its strong riparian character, and also in the way it has largely contained the built development of the settlement to its eastern side. He notes that the current site sits on the western side of the valley, on rising ground. The CDO considers that the proposed development will result in an impact upon the CA, carrying the built form well beyond the historic pattern of development, and also impacting the special quality of the river valley. It is Officer's opinion that the impact on the setting of the CA would amount to 'less than substantial' harm to the heritage assets identified.

- 6.117 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 provision of specialist housing to support older or disabled people, footpath improvements, biodiversity enhancements and economic benefits associated with job creation and the construction phases would outweigh the 'less than substantial' harms arising in this case.
- 6.118 In terms of archaeology, the County Archaeological Officer has raised no objection to the proposal commenting that an archaeological field evaluation was carried out on the site as part of a previous application (Ref: 15/03099/FUL). This was undertaken in line with an approved written scheme of investigation by Cotswold Archaeology. The evaluation did not identify any significant archaeological features. A linear feature or ditch contained some fragments of pottery that are dated from the eleventh to the thirteenth centuries AD. The application area appears to have lain outside any settlement within an area agricultural cultivation. No further archaeological investigation is required and there are no further archaeological constraints to the development of this site.

Highway Impact and Pedestrian Accessibility

- 6.119 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.
- 6.120 The application proposes a total of 37 dwellings which is the same number of units as the previously approved scheme which was considered acceptable in relation to highways. Notwithstanding this, the mix of properties is different with individual assisted living bungalows being provided instead of a care home and on this basis a new Transport Assessment (TA) has been prepared.
- 6.121 The application plans show that all two storey properties are served by a minimum of two parking spaces and single storey properties are served by one parking space. Since approval of the previous application the County Council has adopted new parking standards. These require the provision of up to one parking space per one-bedroom dwelling, up to two spaces for two, three and four bedroom dwellings and up to three spaces for properties with more than five bedrooms. The proposed development accords with these standards.
- 6.122 The TA outlines the impact of the development upon the local highway network. The TA notes that there are no outstanding highway safety issues on the surrounding network and improvements are proposed as part of the application to enable a safe environment. It also outlines that the anticipated trip generation from the site would not have a detrimental impact on the operation or safety of the local highway network.
- 6.123 The site is to be accessed via a new priority access T-junction, with the proposals also including the extension of the 30mph speed limit along Forest Road to the west of the site access, and the

introduction of both dragon's teeth road markings and a 30mph speed roundel. This is a similar arrangement which was proposed for the previous application at the site (Ref. 15/03099/FUL). At the request of OCC Highways, the access to the site has been widened to ensure that the large refuse vehicles used are able to enter and leave the site without unacceptable impact upon Forest Road. OCC Highways have confirmed that they consider these access arrangements to be appropriate for the residential development, with the minimum required visibility splays being achieved.

- 6.124 In addition, minor changes have been made to the internal road layout and turning heads to ensure that refuse vehicles and fire tenders can move through the site and turn without harm to the safety of other road users, also at the request of OCC Highways. With these changes the TA concludes that there are no highways reasons why the development should not be permitted. A Road Safety Audit has been completed and the comments addressed as part of this submission.
- 6.125 The proposals also include improvements to the footpath which would connect the development with Charlbury station and Charlbury town centre. The improvements include the widening of footpath on the northside of Forest Road, the formation of a footpath to the southside of Forest Road and the formation of dropped kerbs and tactile paving. The proposed improvements are the same as the previously approved application at the site (Ref. 15/03099/FUL) and are accepted by OCC Highways.
- 6.126 In considering the previous scheme for residential development on this site it was recognised that the site lies in close proximity to one of the more sustainable settlements in the district. It adjoins one of the few railway stations and there is ready pedestrian access to the village centre with its range of facilities and amenities. There is already an enclave of development adjoining the railway station and in terms of actual distance the main body of the village is much closer to this site than sites which physically adjoin the settlement on other sides of the village. In that regard the Evenlode has curtailed the "*natural*" expansion of the village on this side that would have occurred over the years were it not for the floodplain constraints. In a practical sense it is however considered to be sustainably located.
- 6.127 Given the sustainable location with access to facilities and services and the availability and frequency of public transport services within the area and having regard to the conclusions of the TA it is considered that the proposed development would be in accordance with policies T1 and T3 of the Local Plan.
- 6.128 The application also proposes an electric vehicle charging point to be made available for all dwellings with a private drive and as such, the proposal also accords with policy ECT12 of the CNP.

Residential Amenity/Noise/Air Quality

- 6.129 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 135 sets out, inter alia, that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.
- 6.130 In terms of layout and impact on neighbouring residents, given the orientation, separation distances and existing landscaping, there will not be an adverse impact on the amenity of neighbouring residents in respect of overlooking, loss of daylight/sunlight and overbearing issues. Similarly, the proposed relationship between the new dwellings is considered to be acceptable.

- 6.131 With regard to contaminated land and potential risk to human health, the Council's Environmental Health Contamination Officer has raised no objection to the proposal and recommends that a desk study and if required, a remediation scheme be secured by condition in any permission granted.
- 6.132 In terms of noise, the amended application is accompanied by an Acoustic Assessment report following concerns originally raised by the Council's Environmental Health Noise Officer. The report outlines that the external layout follows good acoustic design and does not require any special measures in terms of noise attenuation. It also identifies that for a small number of plots enhanced glazing and acoustically attenuated trickle ventilators will be required. The report concludes that with the mitigation measures outlined the site is considered suitable for residential development from an acoustic perspective. The Council's Environmental Health Noise Officer concurs with these findings and has raised no objection to the revised proposal.
- 6.133 With regards to air quality, the ERS Environmental Protection Officer has no objection in principle and welcomes the inclusion of photovoltaics, cycle storage and electric vehicle charging (including e-bikes and scooters) in each property and proposals to improve the pedestrian footpath from the site to Charlbury itself. It is noted however, that there is little in the proposal to encourage cycling into the town and encourages the provision of facilities such as cycle storage where possible.

Flood Risk/Drainage/Water Supply

- 6.134 The site is located within Flood Zone 1 for fluvial flooding meaning it is at the lowest risk of flooding, furthermore the site is not in a risk area for surface water or reservoir flooding. Drainage for the approved scheme was approved by OCC as Lead Local Flood Authority (LLFA) as part of a discharge of conditions application associated with the previously approved scheme. The drainage scheme is based around Sustainable Drainage principles and includes the provision of a surface water drainage attenuation pond which will have a controlled release into the adjacent watercourse.
- 6.135 Policy EH7 of the Local Plan relates to water and flood risk. It highlights that all developments should use sustainable drainage systems to manage run-off and support improvement in water quality. It also requires a site specific flood risk assessment for all development with a site area over 1 hectare. Similarly, Policy NE8 of the CNP notes that development should utilise sustainable drainage systems to reduce run off rates from new development and should not result in increased surface water run-off elsewhere.
- 6.136 A flood risk assessment (FRA) and a drainage strategy for the site have been submitted in support of the application. The FRA demonstrates the site is not subject to flooding and confirms that the proposed drainage strategy would enable the surface water discharge from the site to be no more than that of the greenfield discharge rate. This will be managed through the provision of a water attenuation pond which will have added benefits in terms of water quality and for the water release from the pond to be controlled through a hydro brake into the adjacent watercourse. Ground investigation has demonstrated that infiltration direct to the ground is not suitable on this site due to the impervious nature of the ground conditions. The proposed drainage strategy follows the hierarchy and utilises the most suitable strategy for the site.
- 6.137 The foul discharge from the proposed development will be fed to the nearby pumping station for connection to the mains sewer. Thames Water has advised that they would not have any objection to the planning application, based on the information provided.

- 6.138 The Lead Local Flood Authority has raised no objection to the application subject to surface water drainage conditions.
- 6.139 As such, the proposed development complies with national and local planning policy with respect to flood risk and drainage and the risk of flooding is adequately managed, and the offsite flood risk is not increased.

Ancient Woodland/Trees/Biodiversity

Ancient Woodland

- 6.140 The site is located adjacent to an area of Ancient Woodland. Policy EH3 of the WOLP identifies that proposals should minimise the impact on biodiversity and should avoid the loss, deterioration or harm to sites supporting irreplaceable habitats except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm. Paragraph 193 of the NPPF similarly advises that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. This affirms that ancient woodland is classified as an irreplaceable habitat, and that any loss or deterioration – whether direct or indirect – triggers a refusal unless both strict conditions are satisfied. ‘Deterioration’ is defined as including any adverse impact, direct or indirect – such as soil disturbance, hydrological alteration, nutrient deposition, increased access, or shading. The test applies even in the absence of physical loss of trees.
- 6.141 The judicial review / legal challenge to the discharge of condition approval detailed above, was partly related to the impact of the scheme on the Ancient Woodland and required buffer. Neither this judgement nor the subsequent on the Section 73 application reached a conclusion that any permission granted on the site should provide a minimum 15m buffer. Rather both decisions were quashed based upon legally erroneous approaches that had been taken to the discharge of condition in the first instance, and the retrospective effect of such a quashing upon the section 73 permission in the second.
- 6.142 Within their response to the current application, Natural England (NE) refer to their Standing Advice on Ancient Woodland which advises that *‘For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area).’* The previously approved permission now lapsed required a 5 meter buffer, following consultation with the Council’s Biodiversity Officer. Nevertheless, the details submitted failed to achieve this buffer and the legal challenge succeeded on the ground that the approval of the plans did not account for the impossibility of achieving the 5 meter buffer.
- 6.143 In this case, the adjacent Ancient Woodland has been dominated by hybrid black poplar for 70 years and currently has no natural tree cover as the poplar crop has recently been removed, although some of the poplar stumps are now regenerating, with the roots still in situ.
- 6.144 Submitted in support of the application is an Ecology Assessment (EA) which has undertaken a condition survey of the Ancient Woodland and sets out an assessment of the impact of the development upon the Ancient Woodland. This report outlines that the proposed development, which includes a five metre buffer would have a very limited direct impact upon the Ancient Woodland. As part of the appendices to the Ecology Assessment, the ecologist has provided a robust

consideration of the potential direct and indirect impacts which may give rise to harm to Ancient Woodlands which supports this conclusion.

- 6.145 Furthermore, in addition to the assessment of the direct and indirect impacts the report also includes an assessment of the scheme in comparison to the guidance set out by Natural England and the Forestry Commission.
- 6.146 On the basis of the submitted updated EA report, it is concluded that there will be some deterioration caused, albeit minimal, directly, and/or indirectly upon the Ancient Woodland as a result of the proposal. This level of impact is sufficient to call for the application of the 'exceptional circumstances' test as discussed in further detail below.
- 6.147 The application proposal does provide for some mitigation/betterment in relation to the woodland. The proposed development will be set away from the edge of the woodland by five metres (beyond the existing ditch) through the provision of a buffer area which will be separated from rear gardens by means of enclosure. The proposed dwellings will then be set a further ten metres away from the rear boundary. The five metre buffer area will be planted to provide valuable habitat to protect the Ancient Woodland. In addition, a new area of woodland is also to be provided to the north of the existing woodland. This will provide complimentary additional planting to the existing woodland and would relate well to the woodland blocks within the vicinity of the site. The updated ecological report outlines a step by step consideration of the Natural England Guidance on the provision of development and ancient woodlands. This has been reviewed by Officers and is considered to be acceptable.
- 6.148 The Natural England Guidance outlines that the size and type of buffer area should vary depending on the scale and type of development and its effect on the ancient woodland and the character of the area. In this instance the Ecology Assessment prepared by BSG outlines that the five metre buffer, due to the nature of the woodland, the undeveloped nature of land to the north and the existence of the land level changes and drainage channel between the site and the Ancient Woodland is sufficient to offer protection to its special qualities.
- 6.149 The Natural England Guidance regarding buffer zones is acknowledged as is the 15 metre figure quoted by that guidance. Importantly the guidance notes that this recommended 15 metres is in relation to the protection of root protection areas of trees. There are two facts to consider here. Firstly, that the trees in the Ancient Woodland were a crop of poplar trees which have recently been felled and secondly, the existence of the steep ditch between the woodland and the application site limits the extent of root growth towards the application site. Arboricultural advice has been taken in relation to the implications of the development for root protection areas. The advice notes that given the absence of trees in the woodland the proposed development would have no impact upon the root protection areas of any trees. Furthermore, even if trees were present within the woodland the root systems for those trees would be very unlikely to have spread to the application site given the presence of the deep ditch between the two sites.
- 6.150 Also to be factored in is the proposed restocking plan for the woodland. This restocking plan proposes a hedge bordering the boundary with the application site, a small strip of open space and then shrub planting before the proposed woodland replanting begins (see Figure 2). This provides approximately 10 metres of land between the woodland trees and the development site. Including this land would mean there is 15 metres between the proposed new woodland planting and the beginning of the gardens serving with the proposed dwellings.

- 6.151 The CNLB remains concerned with the proposed proximity of development to the Ancient Woodland. They also note that the area between the 5m buffer zone and the 15m standoff limit appears to include a number of residential gardens, parking spaces and patio areas, which would appear to be contrary to Natural England's Standing Advice which states "*You should not approve development proposals, including gardens, within a buffer zone*". It is recommended that no residential curtilages should be permitted within the 15m standoff zone.
- 6.152 CPRE further does not consider that the assessment of biodiversity net gain takes into account the increased damage to the ancient woodland through human and domestic pet encroachment. This has been taken into account by the Council's Biodiversity Officer in their consideration of the application who has raised no objection on this basis as set in the 'Biodiversity' section below.
- 6.153 The proposal has been reviewed by Natural England who have raised no objection to the proposal and are content that it would not cause harm to any statutorily protected nature conservation sites.
- 6.154 Similarly, the Council's Tree Officer and Biodiversity Officer have both reviewed the proposals and have raised no objection in relation to impact on the ancient woodland and appropriate conditions relating to ecology, biodiversity, boundary treatment and Construction Environmental Management Plan are suggested that would be attached to any permission granted and would mitigate any potential harm.
- 6.155 The Natural England Guidance identifies that the buffer zone provided for any development should contribute to the wider ecological networks and be part of the green infrastructure for the areas. It should also consist of semi natural habitats such as a mix of scrub, grassland, heathland, and wetland establishing habitat of local and appropriate native species. It is not intended that the buffer zone with the woodland will be accessed and for this reason it will be separated from the rear gardens by a means of enclosure and managed by the management company responsible for the public areas of the wider development.
- 6.156 The application proposes a significant woodland block to the north of the existing woodland as part of to provide connection to and enhancement of the setting of the Ancient Woodland and connection to other habitats in the near vicinity. The buffer zone and hedgerows around the site, which will be retained, will provide connection to the Ancient Woodland and the open countryside which sits to the north of the site (beyond the woodland block).
- 6.157 On this basis, whilst the guidance of Natural England is acknowledged, the specific nature of this site and the expert opinions of the ecologist and arboriculturist mean that, in this instance, a lesser buffer of 5 metres is appropriate. All physical development is maintained at least 15 metres away from the edge of the woodland. The proposal would mitigate the minimal deterioration of the woodland identified with the applicant entering into a s106 legal agreement requiring a management company to be set up to maintain the buffer areas and wider landscaping proposed as part of the development to ensure that this is maintained appropriately in perpetuity.
- 6.158 Using the Natural England Guidance hierarchy of Avoid, Mitigate and Compensate the proposed development avoids direct impacts on the woodland by providing a suitable offset considering the context of the site. It mitigates any minor impacts by the provision of ecological planting and an additional 10 metres where there is no development. The proposal provides significant planting across the site with the addition of a new woodland area, enhancing the setting of the existing ancient woodland.

- 6.159 Given the above it is considered that there would only be a prospect of limited harm to the Ancient Woodland which would be outweighed by a range of other considerations as identified in this report that are considered sufficient to constitute 'exceptional circumstances'. The proposed development would therefore comply with policy EH3 of the Local Plan, the NPPF and would have due regard to the relevant guidance produced by Natural England.
- 6.160 Policy EH2 of the Local Plan identifies that development proposals should conserve and where possible enhance the intrinsic character and quality of the local landscape. Similarly, policy NE5 of the CNP seeks to protect trees (biodiversity is covered elsewhere).
- 6.161 A Tree Constraints Plan, Arboricultural Impact Assessment (AIA) and a tree retention and protection plan have been submitted in support of the application. The submitted AIA identifies the trees around all of the boundaries of the site and the root protection areas for each of those trees. A key arboricultural constraint relates to the southern boundary where an oak tree is located which has a large root protection area. The AIA identifies that with suitable tree protection measures during construction and given the offset from the trees in the completed development the proposed development would not have an adverse impact upon the health and stability of trees.
- 6.162 Furthermore, the provision of trees throughout the site in the subsequent landscape proposals would add to the tree stock in the locality.
- 6.163 No objection has been raised by the Council's Tree Officer to the proposal. No trees are planned to be removed for the site as part of the development. The proposed planting scheme is considered acceptable in terms of numbers. All existing trees on the site are to be retained with a 5m landscaped buffer zone directly next to the Ancient Woodland, together with a further 10m zone kept free of any built development, giving the Ancient Woodland a 15m buffer zone from the development. This is adequate to protect the Ancient Woodland from activities connected with the development. As such, the roots of the trees that are growing in the Ancient Woodland adjacent to the site will be safeguarded against damage or compaction during the construction phase and later use of the site.
- 6.164 The arboricultural information demonstrates that the proposed development would have no adverse impact upon the health and stability of any trees, nor would the proposal result in the requirement for any pruning of trees to be retained. Three trees are identified as being removed due to the current poor condition of those trees. These will also be replaced as part of future planting proposals to be secured by condition.
- 6.165 The proposed restocking plan for the woodland proposes trees no closer than ten metres from the boundary of the woodland. This, in conjunction with the 5 metre buffer area and the 10 metre rear gardens of the proposed dwellings would ensure sufficient distance between the rear of properties and the trees to protect against future pressure work lopping or felling of the trees.
- 6.166 The proposed development therefore complies with the requirements of policy EH2 of the Local Plan and policy NE5 of the CNP.

Biodiversity

- 6.167 Policy EH3 of the Local Plan requires development proposals to protect and enhance biodiversity with the requirement to achieve an overall net gain in biodiversity where possible. Furthermore, the NPPF notes that the planning decisions should contribute to and enhance the natural and local

environment through minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks. Paragraph 180 of the NPPF goes on to say that is significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 6.168 An Ecological Assessment has been undertaken in relation to a range of species including Bat, Badger, Great Crested Newt, Water Voles and Dormice. The conclusions of the above report confirms that the proposed development would not have a significant adverse impact upon biodiversity. The proposed development would, however, provide landscaping which would contribute to the local ecological network through the provision of the woodland blocks and the buffer areas. This aligns with the requirements of policy NE5 of the CNP and the supporting text which highlights that development should enrich wildlife corridors and opportunities for new woodland planting.
- 6.169 Submitted in support of the application is a biodiversity net gain calculation which demonstrates that the resultant development will result in a biodiversity net gain of 22.06% in habitat units and a 78.34% net gain in hedgerow (linear units). As the site is adjacent to a watercourse the BNG calculation of this has been provided however, as no works are proposed in this area, the calculator confirms that the impact here is neutral.
- 6.170 On this basis it is considered that the proposed development would not have a harmful impact upon protected species utilising the site.
- 6.171 Furthermore, the development would provide biodiversity net gain in linear and hedgerow units in excess of 10%. As such, the proposal is considered to comply with the requirements of Policy EH3 of the Local Plan and Policy NE5 of the CNP.
- 6.172 Natural England (NE) raise no objection to the application based on the plans submitted and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. NE also refer to their generic advice contained in Annex A.
- 6.173 CPRE West Oxfordshire consider that there will be more light pollution which will detrimentally affect nocturnal species of bats and invertebrates and as such light pollution will have a major adverse effect for biodiversity and dark skies. They have also raised concern that the applicant's assessment of biodiversity net gain does not take into account the increased damage to the ancient woodland through human and domestic pet encroachment.
- 6.174 The proposal has been carefully considered by the Council's Biodiversity Officer who has raised no objection in principle to the proposal. The concerns raised by CPRE in relation to potential future impact of human and domestic pet encroachment on the ancient woodland has been carefully considered and the Biodiversity Officer considers this to be acceptable and the requirements of paragraph 67 of the NPPF would be met. Conditions relating to ecology, biodiversity, boundary treatment, landscaping, lighting, and Construction Environmental Management Plan as suggested would be attached to any permission granted to mitigate any potential impact on ecology and biodiversity. This includes details of all external lighting, including street lighting, particularly the rear security lighting on the plots facing onto boundary habitats (adjacent ancient woodland site, hedgerows, and stream corridors) to be agreed in advance of any above ground works taking place. Such details will clearly need to demonstrate that lighting will not cause any excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites and would address the concerns raised by CPRE West Oxfordshire.

- 6.175 The Newt Officer has commented that there is a low risk that great crested newts (GCN) may be present at the application site. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, the Newt Officer recommends that an informative be attached to any planning permission granted.

Sustainability/Climate Change

- 6.176 In accordance with Policy OS3 of the Local Plan, 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. Policy NE9 of the CNP also highlights the need for energy and water efficiency measures for new development and requires applicants to demonstrate how excellent environmental performance will be achieved.
- 6.177 The application site is located within walking distance of the town centre of Charlbury with access to a small supermarket, post office, public houses, and restaurants. The town is served by a local doctors surgery and dental practice and there is a primary school. All of these indicate that the majority of day to day activities could be served within walking distance of the development.
- 6.178 In addition, the town is served by a train station, also within walking distance of the site. This provides the town with an hourly service with connections to Worcester and London Paddington (which includes Oxford and Reading). Bus services operate between the town and Witney, Chipping Norton, and Oxford City Centre (the X9 and S3 services) and the bus stops for these are also within walking distance of the development site. This demonstrates that the development is located where the need to travel by the private car is minimised and that alternative options for travel to the private car are readily available within walking distance.
- 6.179 In addition to the sustainable location, the proposed dwellings will be provided with EV charging points to encourage the use of greener vehicles for those journeys which do require the private car.
- 6.180 The Energy and Sustainability Statement submitted in support of the application uses the more recently published sustainability checklist produced by the Council which sets out requirements which exceed the policy requirements set out in the Local Plan to assess the sustainability of the scheme. The report demonstrates that the proposed development complies with the requirements of the Sustainability Checklist which exceeds the requirement of Local Plan policy. The CNP notes that developments should achieve excellent environmental performance which has been demonstrated through the submitted statement. Energy and water efficiency measures are to be included in the proposed development through water efficient fixtures for example. These proposals therefore exceed the requirements of the policy and are significantly improved when compared to the previously approved scheme. The development complies with policy NE9 of the CNB also.
- 6.181 The Council's Air Quality Officer welcomes the inclusion of photovoltaics, cycle storage and electric vehicle charging (including e-bikes & scooters) in each property.

S106 Contributions

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

- 6.183 The applicant has referred to the provision of 57% affordable housing which exceeds the 40% contribution required by policy. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement. The seven assisted living bungalows would also be secured via S106 to be retained in perpetuity to meet the care needs of the area.
- 6.184 Policy H5 also requires the provision of 5% of the residential plots to be serviced and made available for custom and self-build housing. The proposal would provide a 32% Self/ Custom build properties in excess of policy.
- 6.185 Matters relating to the provision of Green Infrastructure, play areas, open space and public art will also be secured via the s106 legal agreement together with required monitoring costs. The following financial contributions towards sports and recreational facilities, and public art requested by WODC are:
- Outdoor pitch provision contribution of £73,194.14 towards enhancements and improvements to sports pitches and ancillary facilities in the catchment area.
 - Artificial pitch provision contribution of £2,626 towards the cost of a replacement or improvement to artificial pitches in the catchment area.
 - Sport hall/ studio provision contribution of £17,116 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
 - Swimming pool provision of £20,648 towards the cost of an enhancement or improvement to pools in the catchment area.
 - Tennis Court provision contribution of £1,318 towards the cost of an enhancement or improvement to tennis courts and facilities within the catchment area.
 - Public Art contribution of £3,780 to develop temporary public art activity on and off site to foster connectivity for and with residents' post occupation; and
 - Primary Health Care contribution of £33,529 towards the creation of additional clinical capacity at Charlbury MC or an identified primary care estates project in the local area to serve the development.
- 6.186 The following on and off site contributions have also been sought by OCC, as set out in their consultation response:
- Public transport contribution of £41,921 towards public transport services, namely the continued/ improved operation of bus services serving Charlbury;
 - Special school education contribution of £17,948 towards special school education capacity serving the development; and
 - Waste contribution of £3,477 towards household waste recycling centres within the vicinity of the site.

7 CONCLUSION AND PLANNING BALANCE

- 7.1 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 considered out-of-date and that is a material consideration that can justify the grant of planning permission.
- 7.2 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. The NPPF identifies the AONB and Ancient Woodland (as irreplaceable habitat) as having specific protection.

- 7.3 The proposal would lead to a minimal loss or deterioration of the ancient woodland., Similarly, whilst the proposal would encroach into the rural landscape of the AONB resulting in a loss of what is currently open undeveloped land and an adverse impact on the rural appearance and character of the landscape, in the longer term, this impact could be mitigated through appropriate landscaping to reduce its visual impact. The proposal would be contained to a large extent due to its landscape setting and does not result in a harmful erosion of the wider character of the AONB, nor the purpose of the designation.
- 7.4 The proposed development would have no adverse impact upon existing trees and would provide suitable offset from those retained trees both during construction and following occupation. In the Cotswold National Landscape (AONB) great weight should be given to conserving and enhancing landscape and scenic beauty. Even though these harms are small, any harm to the AONB should be given great weight. Having applied great weight to the small scale harms Officers do not consider that the extent of harm would weigh so heavily as to justify refusal. Even if it were considered to be major development it is Officer's assessment that the extent of harm is such that even having applied great weight, it can be demonstrated that there are exceptional circumstances to conclude that the development would be acceptable.
- 7.5 It is acknowledged that there are some harms associated with the development as set out above, however, these harms are considered to be outweighed by the planning benefits/public interest which arise. The benefits are considered to be the contribution to overall housing numbers (as the site is already included in the housing delivery trajectory), the provision of affordable housing in excess of the requirements of the local plan and the provision of specialist housing which is in demand in the local area and Charlbury, the contribution to the local economy and the provision of biodiversity net gain. In addition, s106 contributions will be made to the benefit of local schools, community facilities and improvements to footpaths will be provided.
- 7.6 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 social, economic, and environmental planning roles.
- 7.7 The proposed development represents sustainable development in line with the NPPF for the following reasons:
- Social – The proposal would positively support the delivery of housing, including affordable housing, in a location which has good access to the services and facilities which are required for day to day living. The proposal would provide a well-designed scheme which provides affordable housing, specialist housing and market housing meeting the identified housing need within the Charlbury area. Significant weight is attached to this social benefit.
 - Economic – the Government has made clear its views that house building plays an important role in promoting economic growth. The development would make effective use of the land and would add to the vitality of Charlbury through the provision of additional spend in the local area. 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.

- Environmental – the proposal would respect the character of the locality and whilst in the AONB does not detract from the wider landscape. The development is to be constructed to a high specification limiting energy use and utilising air source heat pumps for heating and hot water provision. Solar panels are to be provided reducing reliance on the national grid and electric charging points for electric vehicles will be provided throughout.
- 7.8 The proposed development is supported in principle given its location adjacent to the existing settlement and given the identified substantial local need for housing. It is also noted that the Council previously supported development of a similar scale and built envelope on the site under two previous permissions and concluded that development was acceptable in line with planning policy.
- 7.9 The above assessment demonstrates that the proposals would meet the requirements set out in the specific paragraphs of the NPPF relating to Ancient Woodland and the National Landscape as referenced above. Furthermore, it is demonstrated that there are no justifiable reasons to refuse planning permission. On this basis, the tilted balance applies, and planning permission should be granted unless: *‘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.’* (Paragraph 11 d) ii.).
- 7.10 There would be no significant harm to protected species and biodiversity would be enhanced with a biodiversity net gain of 20.06% in habitat units and a 78.34% net gain in hedgerow (linear units). The proposal would accord with the Council’s sustainability checklist providing properties with air source heat pumps, electric vehicle charging points and solar panels. The contemporary take on the local vernacular featuring narrow gables and steeply pitched roofs reflects the guidance of the design guide. Supporting reports demonstrate that technical matters such as drainage and highways do not result in any unacceptable impacts.
- 7.11 Additionally, it is demonstrated that the limited ‘less than substantial harm’ which is caused to the heritage assets (adjacent train station building) would be outweighed by public benefits and an appropriate landscape strategy could assist in mitigating some of this harm.
- 7.12 Overall, the proposed development is in accordance with the development plan (the Local Plan and the CNP) taken as a whole and the guidance of the NPPF. The proposed development provides for a number of planning benefits which will arise from the proposed development and improvements over the previously approved scheme. The benefits achieved from the proposed development are compelling when considered against the harm identified by the proposed development by providing contributions to much needed affordable accommodation and specialist accommodation as well as wider benefits through contributions secured via a s106 agreement in a highly sustainable location with minimal impacts upon the AONB and the adjacent ancient woodland.
- 7.13 Turning to the overall 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.
- 7.14 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

8 CONDITIONS

1. TIME LIMIT

The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

2. APPROVED PLANS

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. MATERIALS

No dwelling shall be erected beyond the damp proof course until a schedule of materials to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To ensure a suitable appearance for the development and to protect the character and appearance of the area.

4. TRAVEL PLAN

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," to include details of a Travel information Pack for residents, 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 Framework (2024).

5. OFFSITE HIGHWAY WORKS

No other part of the development hereby approved 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:

- Formation of site access junction to Forest Road
- Off-site improvements including: the widening of the footpath on the north side of Forest Road, the formation of footpath on the south side of Forest Road to aid pedestrian access to Charlbury station and the amendment of the speed limit.

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

6. ELECTRIC VEHICLE CHARGING POINTS

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

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

7. CONSTRUCTION TRAFFIC MANAGEMENT PLAN

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. 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 wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- 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.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes, and vehicle parking etc.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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 local residents, particularly at morning and afternoon peak traffic times.

8. CYCLE PARKING

Prior to the first occupation of any dwelling hereby approved, secure and covered cycle parking shall be provided at the location shown on drawing SL-010 serving that dwelling. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework (2024).

9. CYCLE PARKING

The car parking areas hereby approved shall be provided in accordance with the details shown and be available prior to the first occupation of the approved development. The parking areas

shall be bound, formed, and laid out in accordance with the approved details and retained in place thereafter solely for the purpose of parking vehicles ancillary to the permitted uses unless otherwise agreed in writing by the Local Planning Authority.

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

10. CONTAMINATION – PRIOR TO COMMENCEMENT

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

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

11. CONTAMINATION – PRIOR TO OCCUPATION

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

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

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

12. FOUL WATER CAPACITY

No part of the development hereby approved 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 submitted to and agreed in writing 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.

13. DRAINAGE

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

Document

- Flood Risk Assessment and Drainage Strategy prepared by Travis Baker for Harper Crewe Ltd (Ref: 22135 Rev. C) dated 21 May 2024.

Drawing

- Drainage Strategy reference IN116 Oct 2023
- Appendix 1 – Topographical Survey produced by Geoff Perry Associates
- Appendix 2 – Thames Water Pre-Planning Enquiry
- Appendix 3 – Thames Water Asset Location Search
- Appendix 4 - Soakaway Extract taken from Ridge and Partners LLP Ground Investigation Report
- Appendix 5 – Drainage Strategy Drawing Number IN-116
- Appendix 6 – Drainage Strategy Drainage Areas Plan Drawing Number IN-114
- Appendix 7.1 – Water Quality Assessment – Parking
- Appendix 7.2 – Water Quality Assessment – Roads
- Appendix 7.3 – Water Quality Assessment – Rooves
- Appendix 8.1 – FLOW Drainage Calculations – 2yr Storm Event
- Appendix 8.2 – FLOW Drainage Calculations – 30yr Storm Event
- Appendix 8.3 – FLOW Drainage Calculations – 100yr Storm Event
- Appendix 8.4 – FLOW Drainage Calculations – 100yr+40% Climate Change Storm Event
- Appendix 9 – Typical Drainage Strategy Maintenance Regime

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

14. RECORD OF INSTALLED SUDS AND SITE WIDE DRAINAGE SCHEME

Prior to first occupation of the development, 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.

15. ENERGY AND SUSTAINABILITY

The proposed development shall be carried out in accordance with the key recommendations as set out in the submitted Energy and Sustainability Statement prepared by Harper Crewe (Charlbury) Ltd (Revision 04) dated 8th August 2024.

REASON: In the interests of climate change.

16. ACCOUSTIC ASSESSMENT

The development shall be carried out strictly in accordance with the Acoustics Assessment by MEC Consulting Group (Report Ref: 28548-ENV-0401 Rev B) dated April 2025 hereby approved. All recommendations outlined in the approved 'Acoustic Assessment' shall be implemented and completed prior to the first occupation of the development. These details shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority. Should any alterations be made to the development that could materially affect the results of the 'Acoustic Assessment', an updated assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the affected works. This updated 'Acoustic Assessment', as approved, shall supersede all previous iterations.

REASON: In the interests of residential amenity.

17. SECURED BY DESIGN ACCREDITATION

Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

18. HOURS OF WORK

Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

19. BIODIVERSITY MITIGATION – ECOLOGICAL ASSESSMENT REPORT

The development shall be completed in strict accordance with the biodiversity mitigation and enhancement details in the following Ecological Assessment report dated 11 April 2025 by BSG Ecology and standard precautionary working methods for great crested newts. All the biodiversity mitigation and enhancement measures shall be implemented in full according to the specified timescales or at least before the development hereby approved is first brought into use and all the biodiversity mitigation and enhancement features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

20. LANDSCAPING SCHEME

Notwithstanding the submitted details and prior to above ground works, an amended landscaping scheme incorporating the removal of Cherry Laurel and the replacement of non-native plants (especially those considered to be invasive) for native tree/shrub species wherever possible, and the inclusion of an additional specification for the northwestern area of woodland to encompass native understorey and shade-tolerant ground flora in phases to allow the planted trees to establish first, shall be submitted to, and approved in writing by, the Local Planning Authority.

The development shall be carried out in accordance with the amended scheme and shall be

completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To protect biodiversity, including the adjacent ancient woodland site, in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

21. TREE REPLACEMENT

If at any time in the five years following planting any tree, shrub, hedge, plant, or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants, and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To ensure the success of the proposed landscaping scheme and associated biodiversity enhancements.

22. MEANS OF ENCLOSURE

Notwithstanding the submitted details and prior to above ground works, an amended means of enclosure plan incorporating a robust rear garden boundary to all plots facing onto the adjacent ancient woodland site, hedgerows and stream corridor shall be submitted to, and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the amended plan and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To protect the biodiversity value of the adjacent ancient woodland site, priority habitats and wildlife corridors in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

23. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

- i. Risk assessment of potentially damaging construction activities, including dust and pollution on the adjacent ancient woodland site (as referenced in Appendix 2 of the Ecological Impact Assessment dated 19 March 2025 prepared by BSG Ecology), the construction of the drainage strategy infrastructure relating to the stream corridor and associated pollution control;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);

- v. Details of the installation of integrated bird and bat boxes into the residential dwellings (incorporated into the walls of the buildings) to be incorporate at least 10 no. bat and 10 no. bird boxes (e.g. swift bricks);#
- vi. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- vii. A non-native invasive species protocol (e.g. for Japanese knotweed) where necessary;
- viii. The times during construction when specialists ecologists need to be present on site to oversee works;
- ix. Responsible persons and lines of communication;
- x. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works, including monitoring the impact of surface water drainage and outflows into the stream corridors; and
- xii. The submission of a verification report by the EcOW or similarly competent person(s) to the LPA at the end of the construction period.

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

REASON: To ensure that biodiversity is safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as Amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

24. EXTERNAL LIGHTING

Notwithstanding the submitted details, before above ground works commence, details of all external lighting, including street lighting, shall be submitted to and approved in writing by the Local Planning Authority, particularly the rear security lighting on plots facing onto boundary habitats (adjacent ancient woodland site, hedgerows, and stream corridors). The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas, including the ancient woodland site boundary, stream corridor, SUDS wetland and hedgerows;
- ii. Technical description, design, or specification of external lighting to be installed including shields, cowls, or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect roosting, foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

25. LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Notwithstanding the submitted details, before occupation of the development hereby approved, a final Landscape and Ecological Management Plan (LEMP) based on the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology and covering the lifetime of the development shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not necessarily be limited to, the following:

- i. Description and evaluation of features to be managed;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management (including those related to species), including the following specific requirements:
 - a. establishment of the woodland understorey and ground flora;
 - b. de-silting of the pond sensitively to protect the liner or re-lining at intervals subject to monitoring results;
 - c. update to objective 2 in section 3.6 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to cover the impact of the drainage strategy, including monitoring of the outflows into the stream, and what remedial actions may need to be implemented where issues arise.
 - d. expanded monitoring in section 2.17 (objective 5) of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to include the stream and lowland fen habitats.
 - e. Adaptation of the homeowner information sheet mentioned in section 4.10 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to cover other objectives for the site, i.e. other habitats and species, as the way of communicating all of the objectives of the LEMP to ensure that homeowners are fully aware of the biodiversity value of the site, the need to retain and manage the 5m buffer to the woodland, the 3m buffer to the hedgerows and the stream corridor, as well as the newly created habitats on site, including the SUDS pond;
 - f. Amendment to section 4.14 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to include monitoring of the impact of the drainage strategy - pollution prevention from the outflows into the stream; and
 - g. Amendment to section 4.54 of the Landscape Ecological Management Plan dated 19 March 2025 by BSG Ecology to submit monitoring reports and updated versions of the LEMP to the local planning authority.
- iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (such as an annual work plan capable of being rolled forward over a 5-year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be

- secured by the developer;
- ix. Ongoing monitoring and remedial measures, including how the details of monitoring will be made available to the local planning authority and who will be responsible for implementing and agreeing remedial measures, and specifically including monitoring of the drainage outflows into the stream corridor and pollution incidents for remedial action where necessary;
- x. Timeframe and process for reviewing the plan, including agreeing amendments with the local planning authority; and
- xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development and any future management body.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: to secure the long term management of habitats/green spaces for biodiversity and landscape reasons (i.e. formal and informal green spaces) beyond the initial 5-year aftercare maintenance period for the lifetime of the development in accordance with Local Plan policies EH3 and EH4.

26. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no buildings, structures (including those shared with neighbouring properties), or areas of hardstanding shall be erected, constructed or laid within the rear garden area of the dwellinghouses on Plots 26 to 37, as shown on the approved plans, without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character and appearance of the adjoining Ancient Woodland in accordance with Local Plan Policy EH3.

INFORMATIVES

Notes to applicant

- I. **IMPORTANT:** the statutory Biodiversity Gain Plan deemed planning condition does NOT apply to this planning permission. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply: the application for planning permission was made before 12 February 2024.

There is a low risk that great crested newts may be present at the application site. Therefore,

anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a great crested newt is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. It may be possible to use the Council's District Licence for great crested newts by joining the scheme via Nature Space and submitting a Non-Material Amendment application to add the required planning conditions (to be confirmed by the local planning authority if this mechanism is required).

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If a bat is discovered, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. Where the presence of roosting bats has been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends to more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site and to ensure sufficient information for the licence application to Natural England.

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity. Guidance on lighting issues in relation to bats and reducing environmental disturbance can be found in the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting in the UK <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update> released.

2. Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to offset the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private, then to secure exemption from the APC procedure, a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please visit our website.
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. Thames Water would expect the developer to demonstrate what measures will be undertaken 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. Thames Water have advised that they 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.

Contact Officer: Mike Cassidy

Telephone Number:

Date: 9th July 2025