

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th August 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 Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

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

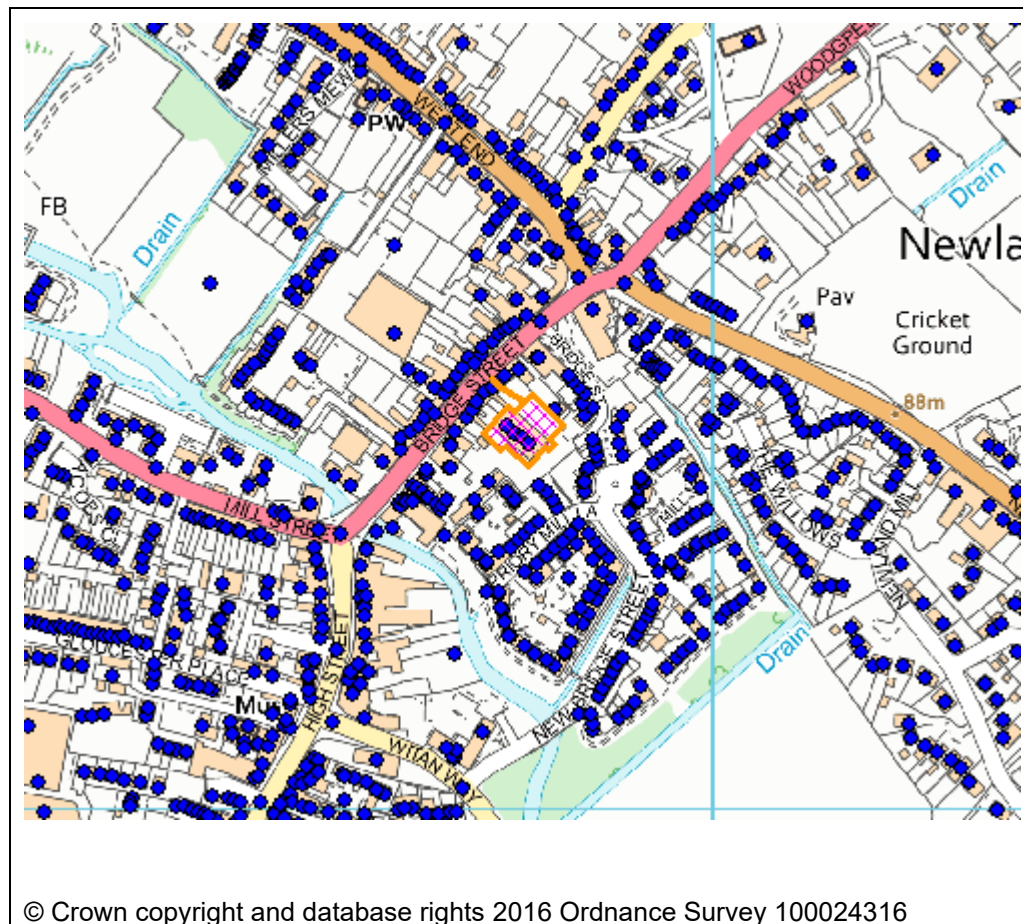
Please note that:

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

Item	Application Number	Address	Officer
	24/01836/FUL	Unit 32 Bridge Street Mills Industrial Estate	James Nelson
	24/03177/FUL	Land South Of The Paddocks	James Nelson
	24/03277/FUL	Land (E) 441191 (N) 205720 Blackditch	James Nelson
	24/03278/FUL	Land (E) 431186 (N) 208772 Witney Road	James Nelson
	25/01031/S73	Carterton Leisure Centre Broadshires Way	Clare Anscombe
	25/01338/ADV	Unit 20 Woolgate Shopping Centre	George Matthews
	25/01396/S73	Land West Of Colt House Aston Road	James Nelson
	25/01397/S73	Land West Of Colt House Aston Road	James Nelson

Application Number	24/01836/FUL
Site Address	Unit 32 Bridge Street Mills Industrial Estate Witney Oxfordshire OX28 1YH
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435874 E 210245 N
Committee Date	11th August 2025

Location Map



Application Details:

Erection of four apartments at second floor level with associated stair, lift and flood access, demolition of existing metal roof structure (amended plans).

Applicant Details:

Mr Duncan Wood

Unit 32
Bridge Street Mills Industrial Estate
Witney
Oxfordshire
OX28 1YH

I CONSULTATIONS

Parish Council

Whilst Witney Town Council does not object to this application in terms of material concerns and welcomes the development of two bed dwellings to the town Members note the objections and ask that WODC ensure these are addressed with conditions.

The Council ask that the development comply with policy OS4, in that the proposed development does not harm the use or enjoyment of neighbouring land and buildings including living conditions in residential properties. Members felt that the plans were not clear regarding the proposed height of the development, therefore members ask that officers pay due regard to ensure that the development does not cause a loss of light to neighbouring properties, and with the close proximity of neighbouring homes also a harmful loss of privacy.

Whilst the development is small, members expressed concerns regarding water quality, sewage infrastructure and existing drainage, with the possibility of this causing an increased flood risk in an already high-risk area of Witney. Members ask that increased mitigating measures are considered to help decrease the possibility of flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031.

Members also ask that in order to ensure that neighbouring residents are not adversely affected during the construction phase that a site management plan is drawn up, with particular attention to noise mitigation, members also ask neighbours are consulted on the construction plan prior to permission being granted.

Environment Agency

No objection subject to conditions.

WODC Drainage

Deferred to EA comments.

OCC Highways

No objection subject to conditions.

Conservation And Design Officer

No objection to revised plans.

Env Health Noise And Amenity

No objection subject to conditions.

District Ecologist

No objection- bird boxes should be sought through condition.

2 REPRESENTATIONS

2.1 A total of eleven third party comments were received from local residents on the initial consultation. A further five have been received since the submission of amended plans. The following material planning considerations were raised:

- The proposed design is incongruous and excessive in scale;
- Harm to historic townscape/conservation area;
- Loss of light to rear gardens of properties on Bridge St;
- Overlooking to rear elevations of properties on Bridge St particularly from balcony (now removed);
- Disturbance from future occupiers through noise and light particularly from balcony (since reduced/removed);
- Lack of sewerage capacity;
- Increased traffic in already busy/polluted area;
- Lack of car parking;
- Construction disturbance;
- Flood risk;
- Adverse impact on ecology; and
- Amended plans do not overcome previous concerns

2.2 Officers note that structural concerns are raised but consider this to be a matter falling with the remit of Building Control. Impact on property values and ownership rights are not material considerations.

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted in support of the application, the main points of which are summarised below. The full document as well as all other supporting information can be found on the Council's website.

3.2 '32 Bridge St Mills is currently in use as a gym, studio and therapy/treatment rooms. Originally, the building had a second storey, but this was destroyed by fire and a new metal roof was constructed above the surviving concrete floor at second floor level. The metal roof is single skin and the space below overheats in summer and has major condensation problems in the winter.

3.3 The applicant wishes to construct 4 flats, all to be accessed from the private parking area to the north east of the site. The intention is to embrace the industrial heritage of the site and create high standard apartments designed and built to last. Drawing on the hidden craft found in brick- built industrial buildings, the design adopts the use of brick, metal, glass and glass block to create a timeless and robust built environment.

3.4 The host building is arranged on a simple grid of 5 equal bays. The flats occupy 4 of the 5 bays and each has a private roof terrace facing south west. Flat entrances are from a common open access to the north east. A lift is also provided in addition to a new external staircase.

3.5 Egress in the event of a flood requires a suspended walkway above the flood level that ultimately

leads to high ground on Bridge Street. Further detail can be found in the accompanying flood risk assessment however the proposed walkway has been designed following consultation with EA to be maintainable and fully floodable without impeding the flow of water. Compensation for the nominal flood plain displacement is provided by way of a pit below the lift shaft.

- 3.6 A centralised area has been provided for lock-up cycle stores and an uncovered, gated area for bins. Each store can accommodate two cycles and the bin area is large enough for two 1100 litre bins plus a communal food bin.
- 3.7 Vehicle parking remains at 12 bays which was considered acceptable in the recently withdrawn application. One EV charging point is provided (dual sockets accessible from two parking bays).
- 3.8 The removal of the existing gable combined with the setting back of the main volume of the of the apartments by 7.2m results in a significant improvement to both daylight and sunlight in the rear gardens of the neighbouring properties. More sky is visible and the building appears less overbearing. The end elevation has a low parapet and flat roof which will be accessed only for maintenance.
- 3.9 This statement has endeavoured to communicate the principles that have informed the design together with an explanation of the resulting design and access in both a wider and detailed context. Together with the accompanying statements it is hoped that the intention is properly communicated and that the proposal will be supported by the local planning authority.'

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH16 Non designated heritage assets

WIT6NE Witney sub-area strategy

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for the erection of four apartments at second floor level with associated stair, lift and flood access, demolition of existing metal roof structure at Unit 32 Bridge Street Mills Industrial Estate, Witney.
- 5.2 The application site is within the Witney and Cogges Conservation Area ('CA') and relates to an established commercial premises housing a gym at first floor level and a mix of commercial uses at ground floor level. The site shares its northwestern boundary with residential properties along the southern side of Bridge Street and is served by an existing access and parking area which wraps around the site and leads to Bridge Street Mills.
- 5.3 The site is wholly located within Flood Risk Zone 3 and the existing building lies in close proximity to a range of Grade II listed buildings along Bridge Street including:
- Benefit Office at 28 Bridge Street (30m to the NE);
 - 12 and 14 Bridge Street (adjacent to the W);
 - 10 Bridge Street (18m to the W); and
 - Bridge Street Mill (50m to the SW)
- 5.4 Other listed buildings lie in close proximity to the site on the northern side of Bridge Street however given the intervening buildings and separation distances, no potential to impact their setting is identified.
- 5.5 Officers also note that Nos. 16-24 Bridge Street are locally listed within the Witney and Cogges Conservation Area Character Appraisal.
- 5.6 The application has been amended since submission, and necessary re-consultation with neighbours and the Town Council has taken place.
- 5.7 The application is brought before Members due to Councillor call in on the grounds of neighbourliness.

Development Plan

- 5.8 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').

5-Year Housing Land Supply and the NPPF

- 5.9 The Council cannot demonstrate a five-year supply of housing land. Therefore, it is clear that the decision-making process for the determination of this application is 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 providing strong reason to refuse the development in accordance with NPPF para. 11.

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

- Principle
- Layout, Scale and Appearance
- Impact upon Heritage Assets
- Neighbourly Amenity
- Impact on Commercial Premises and the Amenity of Future Occupiers
- Drainage/Flood Risk
- Highways
- Ecology

5.11 Each will be considered in the following sections of this report.

Principle

5.12 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. The application site is located within the built up area of Witney where Policy H2 sets out that new dwellings may be permitted on previously developed land 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 the WOLP. The proposal would not result in the loss of an existing use and as such, is acceptable in principle. The most relevant general principles in this case are that new development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere; and
- Conserve and enhance the natural, historic and built environment

5.13 Compliance with these matters will be assessed in the following sections of the report.

Layout, Scale and Appearance

5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable

development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). WOLP Policy OS2 also requires that development should form a logical complement to the existing scale and pattern of development and/or character of the area.

- 5.15 The proposed apartments would be set over the existing gym in place of an existing modern corrugated metal roof structure. The apartments would be set back from the existing external walls, most significantly from NW elevation by 7.5m. External access would be provided around the perimeter of the structure with terraces to the SW side. An external stair, lift and raised food egress would be provided to the NE side with bin/cycle storage in the northern corner of the site.
- 5.16 The apartments would take an overtly contemporary appearance using brick with green roofs with a flat roofed form reaching 3.4m above the existing eaves, 600mm above the existing ridge. The two-bed units would range from approximately 60sqm to 75sqm. External areas would be enclosed by a brick parapet with crow-stepped gable to the SE elevation echoing the existing gabled form.
- 5.17 The impact of the proposal upon the character and appearance of the area with particular regard to heritage assets will be fully considered in the following section of this report. However, your officers consider that the amended plans display a clear and successful design intent using simple modern forms well set back from the existing walls of the building and commensurate with its existing massing whilst reinterpreting the SE gable in a manner characteristic of early modern structures. Therefore, the proposed design is considered to accord with WOLP Policies OS2 and OS4 as well as the West Oxfordshire Design Guide and Section 12 of the NPPF.

Impact upon Heritage Assets

- 5.18 Given the application site within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.19 Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, due to the proximity of listed buildings as set out above, which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.20 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area or listed building, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states 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. WOLP Policies EH9, EH10, EH11 and EH13 are directly relevant to the application as well as EH16 with regard to the setting of adjacent locally listed (non-designated) heritage assets.

Main elements contributing to the significance of heritage assets

- 5.21 The significance of the CA is charted in the Witney & Cogges Conservation Area Character Appraisal, which forms a material consideration in this assessment. The CA extends over the historic core of Witney, centred around the High Street, Corn Street, Mill and Bridge Streets, Woodgreen and Newland. The CA also includes the historic village of Cogges and intervening valley floor (Langel Common). The historic development of the town has been largely shaped by the wool trade, influenced by the town's location along the Windrush Valley, becoming a well-established town and local centre of the trade by the latter half of the C13, when the pattern of development around which the CA is located developed. By the start of the C17, specialisation in blanket production had developed, growing rapidly with industrialisation in the C19. As the blanket industry declined, the second half of the 20th century saw an explosion in suburban growth.
- 5.22 In terms of architecture, the building materials used throughout Witney and Cogges show a marked degree of consistency and are fundamental to the distinctive built character of the town, with grey oolitic limestone dominant as a walling material and Stonesfield slates used for roofs, necessitating a steep roof pitch. Vernacular buildings tend to use rubble or dressed stone in narrow, irregular courses, with higher status houses of the C18 and C19 using more ashlar-cut stone. Rendered and painted finishes are also a characteristic feature, albeit secondary to limestone. The listed buildings listed above reflect and positively contribute to the wider character of the CA, being largely humble vernacular structures of traditional form and materials and in the case of Bridge Street Mills, directly linked to the town's industrial past.

Contribution of the site to the significance of heritage assets

- 5.23 The existing building itself is likely a mid-twentieth century construction that once formed part of the wider Bridge Street Mills site which had ceased operations by 1975. The building was once flanked by industrial buildings now removed following a fire in the 1980s which caused significant damage to the building itself including the total loss of its previous second floor and flat roof structure and its replacement with the utilitarian metal structure now in place. The site therefore exhibits some historical value as a remaining structure of the area's industrial past and connection to Bridge Street Mills. However, it is a modern building with little architectural or other heritage significance.

Impact of the scheme upon the significance of heritage assets

- 5.24 The proposal seeks to remove the existing roof structure installed after fire damage in the 1980s and create a modern attic storey of four apartments using contemporary materials and flat roofed forms echoing the original form of the building. In this regard, the design would better reflect the industrial character of the building than the current roof form. Further, the use of contemporary design approaches has precedent in the locality (e.g. Staple Court) and the introduction of residential development would reflect the prevailing land use in the locality following the redevelopment of Bridge Street Mills. From eaves level and below, the building would remain unchanged and therefore its contribution to the significance of the CA and setting of nearby buildings would be retained. In this context, your officers consider that the application represents locally informed and successful design which would result in no material harm to heritage assets and would contribute positively to the character and appearance of the area. The application therefore complies with WOLP Policies EH9, EH10, EH11, EH13 and EH16 as well as the relevant paragraphs

of the NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbourly Amenity

5.25 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in WOLP Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.26 The application has drawn significant opposition from neighbouring occupiers, primarily along the southern side of Bridge Street (nos. 12-24), which lie in close proximity to the site. Officers have carefully considered the objection comments received with particular regard to noise and disturbance, overlooking and loss of light/outlook.

5.27 The application has been amended to remove a terrace on the northern side of the building, with the northernmost flat now set back from the existing eaves by 7.5m and terraces facing SW onto an adjacent parking area and business park. In terms of impact on properties on Bridge Street, the amended plans ensure that the perception of massing above eaves level would be reduced from adjacent properties on Bridge Street due to the significant set back of the newly created second floor and modest flat roofed form. Therefore, your officers conclude that no adverse impact in terms of loss of light or outlook would result from the proposal.

5.28 In terms of overlooking, the removal of the previously proposed wrap-around terrace would ensure that no views would be possible into the private amenity space of adjacent properties. Further, given the set back and intervening 1.5m wall, no direct overlooking would occur between the apartments and habitable windows serving 16-24 Bridge Street. The removal of this terrace also ensures that the amenity space serving the proposed flats would be set away from the rear gardens of properties on Bridge Street. This separation distance as well as the town centre location of the site lead officers to conclude that the introduction of four apartments in this location would not lead to any significant adverse effects on the amenity of existing residents with regard to noise and disturbance. Your officers therefore consider that the proposed development would result in an acceptable impact upon the amenity of neighbours with regard to overlooking, loss of light, overbearing and noise and disturbance.

Impact on Commercial Premises and the Amenity of Future Occupiers

5.29 Officers have regard to the general principles of WOLP Policy OS2 which require development to be compatible with adjoining uses and NPPF para. 200 which states that:

'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

5.30 It is therefore important to consider the effect of the proposed development on adjacent commercial premises, particularly the gym that operates from the first floor of the building. In this regard, officers note that the consent under which the gym operates (WODC ref. W92/1193)

places restrictions on the hours of operation (08:00(10:00 Sundays)-21:00) in the interests of the amenity of neighbours due to its existing residential context.

- 5.31 The approval of this application however would introduce a residential use into the building itself and therefore lead to the potential to further restrict the operation of the existing business. The applicant has carried out a Noise Assessment which has been revised during the course of the application to address initial concerns raised by the Council's Environmental Health Officer ('EHO'). The Noise Assessment contains physical interventions to the fabric of the building that would reduce noise transfer to the flats above including: sprung/jack-up floor in all designated weight drop zones; mass barrier ceiling system; flanking noise treatment to gym walls and columns; and infill of any slab penetrations. The EHO has confirmed that these measures alongside a Noise Management Plan to be controlled via condition would ensure that the occupiers of the flats would be provided with adequate levels of amenity in terms of noise.
- 5.32 These measures would introduce an additional burden on the existing gym. However, the gym exists in a residential context and operates under restrictions including hours of use and that the first floor be used for no other purpose than a gym. Further, the measures proposed are not atypical of a facility of this type and would not undermine the vitality and viability of that use. On this basis, your officers are satisfied that the proposed development could be implemented whilst retaining the viability of the existing gym and providing adequate standards of amenity for future residents.

Drainage/Flood Risk

- 5.33 The application site lies within Flood Risk Zone 3 which signifies a high probability of flooding, with a 1% or greater annual probability of river flooding. Officers note that area around Bridge Street has been subject to flooding historically. The applicant has provided a Flood Risk Assessment ('FRA') which has been subject to review by the EA.
- 5.34 WOLP Policy EH7 relates to flood risk and states that:
- "Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk".
- 5.35 Paragraph 170 of the NPPF directs inappropriate development in areas at risk of flooding away from areas at highest risk. The NPPF does not define inappropriate development in the context of flooding. Residential development is both intrinsically vulnerable to flooding and a more vulnerable land use than the existing use. Officers therefore consider that residential development represents inappropriate development for the purposes of Paragraph 170.
- 5.36 Directing development away from areas at highest risk can be achieved, in principle, by adopting the sequential approach, i.e. placing inappropriate development on parts of the site not at risk of flooding. Whilst the units themselves are at second floor level, they lie within an area of high flooding probability, and it would not be possible to design the scheme to avoid this.
- 5.37 Paragraph 174 further states that inappropriate development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 175 confirms that, where proposed built development is within areas at risk of flooding, the sequential test should be used. This is to establish whether or not there are

reasonably available alternative sites. In this case, no sequential assessment of alternative sites has been submitted by the applicant. Paragraph 177 is clear that an exception test can only be carried out after a sequential test has been undertaken. Further, paragraph 172a states 'applying the sequential test and then, if necessary, the exception test', there is therefore no need to consider this further. This represents a clear conflict with the NPPF.

- 5.38 In terms of the harms arising from the introduction of four second floor units in this location, the proposal would not result in built development within the Flood Zone itself with the exception of the lift shaft, staircase and cycle store which are floodable structures and ground levels on site will not be affected. Notwithstanding that the failure to complete a sequential assessment means that the exemption test under NPPF para. 178 is not triggered, the submitted FRA confirms that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and safe means of escape in the event of flooding have been provided for and the EA consider the application acceptable subject to condition.
- 5.39 Overall, therefore, there is no real world harm from either the failure to undertake a sequential test or the failure to properly undertake a sequential approach. This is primarily because of the nature of the flats being set at second floor level and that it has been satisfactorily demonstrated that mitigation measures can make the proposed development safe for its lifetime without increasing flood risk elsewhere as confirmed by the EA comments which raise no objection to the application.
- 5.40 Despite the lack of real world harm, due to the failure to undertake a sequential test, the proposal represents an inappropriate form of development having regard to its flood zone location and the provisions of local and national planning policy as set out. It would however comply in part with WOLP Policy OS2 which requires development not to be at risk of flooding or likely to increase the risk of flooding elsewhere. This policy conflict must be weighed in the overall planning balance as set out below.

Highways

- 5.41 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. WOLP Policy T1 seeks to steer development into areas with 'convenient access to a good range of services and facilities and where the need to travel by private car can be minimised'. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.
- 5.42 Officers note the objection comments received with regard to parking capacity in the area. OCC Highways have been consulted on the application which lies in a highly sustainable location in transport terms and have raised no objection to the application subject to conditions to retain car parking and provide cycle storage to facilitate active travel. On this basis and noting the provisions of NPPF para. 116, your officers consider that the application is acceptable in highways terms.

Ecology

5.43 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The application is not subject to statutory Biodiversity Net Gain ('BNG') and has been reviewed by the Biodiversity Officer, who concludes that there are no ecological constraints to the proposal. In accordance with Policy EH3, a planning condition is recommended to ensure that ecological enhancement features are implemented.

Other Matters

5.44 In terms of foul water and water supply, your officers have consulted with Thames Water and have not received a response. On this basis and given the limited scale of the scheme, your officers do not consider that it would be reasonable to withhold consent on this basis.

5.45 With regard to sustainability, the applicant has submitted an Energy and Sustainability Statement which outlines measures to ensure that the units would achieve U-Values that fall below the minimum notional standards of Part L of the Building Regulations through reducing heat loss and therefore energy demand. The proposal also includes provision for Air Source Heat Pumps and solar panels.

Recommendation and Planning Balance

5.46 As set out above, the decision-making process for the determination of this application is 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.

5.47 With regard to I I(d)(i), this assessment has found that the proposal would result in no harm to the significance of heritage assets. It has found however, that the proposal would conflict with the policies of the NPPF regarding flood risk in that no sequential assessment has been carried out. However, as also set out above, the weight to be attributed to this policy conflict should be tempered by the lack of harm that would result of the proposal owing to the second floor location of the flats and absence of built form within the flood zone itself and the proposal having demonstrated that it will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. Therefore, your officers do not consider that the application of local and national policy in this case would provide a strong reason for refusing the development proposed and the tilted balance under I I(d)ii) is engaged.

5.48 The I I(d)ii) balance requires the adverse impacts of the proposal to be weighed against the benefits, with particular regard to the NPPF policies listed in footnote 9. In this case, the adverse impacts of the proposal relate to flood risk as discussed above and no other policy conflict or material considerations have been identified that should weigh against the scheme. By contrast, the proposal would provide four units of accommodation on a previously developed site within a highly sustainable location with excellent access to facilities and local services in the context of the Council's significant housing land supply shortfall. The weight to be attributed to these socio-

economic benefits is by nature proportional to the limited scale of the proposal, noting that these benefits accord with the aims of footnote 9 policies 110 and 129, in particular. The scheme has also demonstrated high quality design in accordance with NPPF paras. 135 and 139 and would result in a positive contribution to the character and appearance of the CA for the reasons as set out above, which merits the award of significant positive weight. The scheme would also deliver ecological enhancements in the form of bird boxes, although this benefit is very limited in scale. Therefore, in light of the tempered weight to be awarded to the flood risk impacts of the scheme for the reasons set out above, your officers consider that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 22.04.2025.

REASON: The application details have been amended by the submission of revised details.

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

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

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

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

- 6 Before the erection of any external walls, details of the provision of integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the apartments shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the development hereby approved is first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 187, 192 and 193 of the NPPF 2024, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 7 Prior to first occupation of the development hereby approved, all measures as set out in Sections 8.1-8.4 of the Noise Assessment (ref. 10874/LN Rev. A) dated 13.11.2024 and prepared by Acoustic Consultants Ltd shall be implemented in full, including but not limited to:

- Sprung/jack-up floor in all designated weight drop zones
- Mass barrier ceiling system
- Flanking noise treatment to gym walls and columns
- Infill of any slab penetrations

These measures shall be retained in perpetuity other than where previously agreed in writing with the local planning authority.

REASON: To safeguard the living conditions of future occupiers.

- 8 Prior to first occupation of the development hereby approved, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the local planning authority. The NMP shall include, but not necessarily be limited to, the following measures:

- Defining weight drop zones and high impact activities
- Code of conduct for gym users
- Background (no amplified classes)
- Staff training and internal signage.

The agreed measures shall be implemented in full prior to first occupation and retained in place thereafter other than where previously agreed in writing with the local planning authority.

REASON: To safeguard the living conditions of future occupiers.

- 9 Prior to first occupation of the development hereby approved, details of post completion acoustic testing demonstrating that internal noise levels in each apartment meet G20 criteria for both airborne and impact sound, in line with the ProPG: Gym Acoustic Guidance (ANC, March 2023), shall be submitted to and approved in writing by the local planning authority.

REASON: To safeguard the living conditions of future occupiers.

- 10 Prior to first occupation of the apartments hereby approved, cycle parking facilities shall be provided in accordance with details to be first submitted to and approved in writing by the local planning authority. The cycle parking facilities as approved shall thereafter be permanently retained and kept available for cycle parking.

REASON: In the interests of promoting sustainable transport.

- 11 The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- There shall be no built development within the 1% AEP plus 35% climate change flood extent in accordance with the submitted FRA. The only exception being the creation of the lift shaft, staircase and cycle store as floodable structures.
- There shall be no raising of existing ground levels on the site, in accordance with the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage.

Notes to applicant

- I Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers;
 - Wall, ceiling, roof, and floor insulation, and ventilation;
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling measures
 - Sustainably and locally sourced materials

For further guidance, please visit:

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

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

- 2 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.

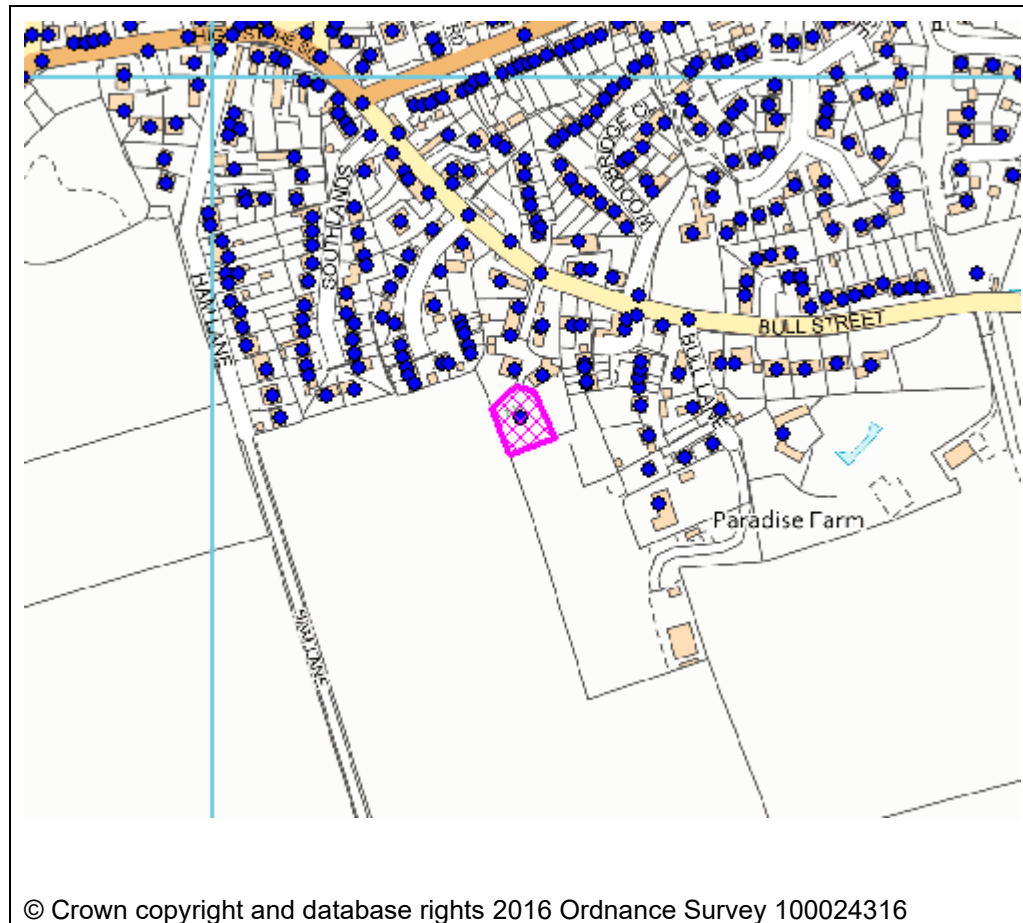
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025

Application Number	24/03177/FUL
Site Address	Land South Of The Paddocks Aston Bampton Oxfordshire
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford and Chimney Parish Council
Grid Reference	434204 E 202774 N
Committee Date	11th August 2025

Location Map



Application Details:

Erection of a single detached dwelling and associated works (amended plans)

Applicant Details:

Mr Clive Mitchell

C/o Agent

I CONSULTATIONS

Parish Council

Aston Parish Council Aston Parish Council has provided comments in objection to the proposed development, for the following material planning considerations summarised below:

- Historical planning applications which included restricting the development of 28 Bull Street Aston (renamed as The Paddocks) to 4 new dwellings (the fifth being the existing farmhouse). The conditions relating these historic applications are considered to still apply and both restrict the number of dwellings and residential access to the application site.
- The proposed development does not comprise infill or rounding off, falls outside the existing built up area and does not form a logical complement to an existing pattern of development. In addition, the proposal would be detrimental to the character and appearance of the Conservation Area by extending development beyond the edge of the village, by setting an undesirable precedent for further development of a similar nature and due to its poor design.
- The proposed site is one of the last pieces of green space with the built-up village to the north and east, and arable farming to the south and west, and thus provides a 'wildlife corridor' for deer, fox, hedgehogs, badgers, owls, bats and other wildlife.
- The ongoing and repeatedly reported issues with sewage flows along Bull Street would be impacted by even a single additional dwelling.
- Access for the building process is poor and would be detrimental to residents of both The Paddocks and Bull Street.
- There is no parking for building-related trades.
- This development would add no value to the character of the Conservation Area.
- It was identified in W99/0401 that there were records indicating the presence of known archaeological finds on the site but there has been no mention of this in the current application.

If the Planning Authority is minded to approve this planning application, the Parish Council has asks that the following conditions are imposed in order to mitigate the impact upon already overloaded infrastructure and minimise disruption to residents

WODC Drainage

No objection subject to condition.

Env Health Noise And Amenity

We have no adverse comment on this application from a noise perspective, but would ask for the following condition to be attached to any consent granted:

Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.

Env Health Contamination	No objection.
District Ecologist	Acceptable subject to conditions and informative.
Conservation And Design Officer	No response received- no objection to principle expressed at pre-app stage.
OCC Highways	No objection subject to conditions.
OCC Archaeological Services	No objection subject to conditions.
District Ecologist	See above.

2 REPRESENTATIONS

2.1 Letters of objection have been received from six third parties, who have raised the following material planning considerations in opposition to the application:

- Precedent set by planning history including refusal of application W2000/0686 on the grounds of failing to form a logical complement to the settlement pattern and harm to the Conservation Area;
- The proposal would result in significant harm to the character of the area, and would fail to preserve the character or appearance of the Aston Conservation Area;
- Proposal would relate poorly to the settlement and unacceptably extend into open countryside contrary to the spatial strategy of the Local Plan;
- Poor access and disturbance through increased use;
- Harm to the amenity of adjacent properties;
- The proposal would harm the integrity of designated European wildlife sites, notably Cothill Fen Special Area of Conservation (SAC) and Oxford Meadows SAC

2.2 Two further letters of objection reiterating previous concerns have been received in response to the re-consultation on amended plans.

3 APPLICANT'S CASE

3.1 A Planning, Design and Access Statement has been submitted in support of the application, the main points of which are summarised below. The full document as well as all other supporting information can be found on the Council's website.

3.2 'The application proposals are for residential development of the site to erect a single two storey detached dwelling, with provision of ample garden and car parking for three cars. The present use of the site is redundant pasture, accessed from the relatively recent Paddocks residential cul-de-sac development.

- 3.3 The proposed dwelling would be a family-sized 4-bedroom property of a typical vernacular design on an essentially 'L-shaped' footprint over two floors (also with a modest single storey element to the rear), with an overall footprint of approx. 156sqm, on a plot size of 1160sq.m. In footprint, the proposed dwelling would be more modest than either of the adjacent 3 and 5 The Paddocks and would deliver a generous garden to the rear (south), which reflects and respects the pre-application feedback identifying the latter as beneficial in its existing character.
- 3.4 The scale of the proposed dwelling would be in keeping with the existing properties at The Paddocks, being of two storeys (with attic space) under a pitched roof with a maximum height of the principal range to the ridge of approx. 7.8m and eaves height of 4.9m. The secondary perpendicular range to the rear would be subservient. No significant change in current ground levels is required for the construction of the new dwelling.
- 3.5 The layout proposed is intended to provide a positive visual termination point of The Paddocks development, which is currently considered to be rather unresolved, thereby 'rounding off' that part of the village envelope. The dwelling would be sited as far as practically possible towards the north of the plot to complement the relationship and sense of cohesion with the existing Paddocks properties, effectively being positioned between 3 and 5 The Paddocks, whilst nevertheless ensuring that the amenity of those properties and their private gardens.
- 3.6 The architectural design of the proposed dwelling takes its lead from the vernacular character of the properties approved for The Paddocks(LPA ref. W2000/0576), being similarly respectful of, and complementary to, the location within the Aston Conservation Area. In form, therefore, the dwelling would comprise a relatively narrow principal span depth, slightly less than those of 3 and 5 The Paddocks, under a steeply pitched roof. The perpendicular outshot the rear and single storey element would both have the appearance of appropriately subservient and organic 'additions over the passage of time' on a traditional 'L-shaped' footprint, thus reflecting a sympathetic reducing hierarchy of overall scale and form of the dwelling.
- 3.7 The proposed external materials proposed would be of undressed natural Cotswold stone and natural blue slate roofing to bind the appearance and overall design into a cohesive whole in itself and within its context. Similarly, the simple, uncomplicated, elevational treatment continues this traditional approach to the development and the surrounding context.
- 3.8 The proposals would result in no loss of existing vegetation in terms of significant trees or hedgerows, and the existing boundary vegetation to the plot naturally lends itself, in size and character, to the delineation and creation of an appropriate residential curtilage to the family-sized property, incorporating appropriate parking and turning space, without substantial change.
- 3.9 The position of the plot and its existing relationship to 3 and 5 The Paddocks results in no necessity for substantial highways works, as the termination of the existing cul-de-sac would provide a natural point of access to the new dwelling between the latter neighbouring properties, in turn then joining Bull Street to the north as currently.
- 3.10 The site presents the Council with an excellent windfall opportunity to assist, in a modest way, the on-going strategic necessity to deliver such sites to confidently demonstrably meet its housing supply requirements.
- 3.11 In light of the above, it is concluded that the development as proposed, would comply with all

relevant Development Plan policies and the guidance set out within the NPPF. It is therefore respectfully requested that the Council grants planning permission for the development.'

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

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

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH13 Historic landscape character

EH15 Scheduled ancient monuments

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of a single detached dwelling and associated works at Land South of The Paddocks, Aston.

5.2 The application site is located at the southern edge of the village to the south of a residential close (The Paddocks), accessed off Bull Street. The site is within the Aston Conservation Area ('CA') and borders residential development to the north and east with open countryside to the south and west.

5.3 The application is brought before the Committee due to the objection of the Parish Council on the grounds as set out above. Amended plans have been received to re-site the dwelling.

Relevant Planning History

W2000/0576- Erection of four dwellings and garages (amendment to planning permission approved under reference W99/0401) part retrospective- Approved.

W97/1587- Redevelopment of land for residential development with access (renewal of planning permission ref 1106/91). Approved.

W99/0401- Demolition of existing outbuildings and erection of four dwellings & garages, construction of new vehicular access and alterations to existing access. Approved.

W2000/0686- Erection of one dwelling with double garage & repositioning of garden boundaries- Refused.

05/2153/P/FP- Change of use of paddock to domestic garden (5 The Paddocks) (retrospective)- Approved.

08/1008/P/FP- Change of use of paddock to garden (3 The Paddocks) Approved.

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

5.5 The National Planning Policy Framework 2024 ('NPPF') sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic; social; and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.6 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.

5-Year Housing Land Supply and the NPPF

5.7 The Council cannot demonstrate a five-year supply of housing land. The 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 providing strong reason to refuse the development in accordance with NPPF para. 11.

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

- Principle
- Siting, Design, Form and Landscape Impact

- Impact upon Heritage Assets
- Neighbourly Amenity
- Drainage/Flood Risk
- Highways
- Ecology

5.9 Each will be considered in the following sections of this report.

Principle of Development

5.10 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. In this regard, Aston is identified as a 'village' in Table 4b where limited development may be suitable provided village character and local distinctiveness are not undermined. Policy OS2 also contains a set of general principles with which new development should comply including all development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment'

5.11 Policy OS2 goes on to outline that proposals for residential development will be considered in accordance with the locational housing strategy contained in WOLP Policy H2. Policy H2 states that new dwellings may be permitted in 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; and

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

5.12 The application site comprises undeveloped land, and given its close proximity to residential development to the north and east, is considered to adjoin the built up area of the village. In such locations, WOLP Policy H2 sets out that residential development is acceptable in principle 'where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.

5.13 Given the Council's Housing Land Supply position, as set out above, officers accept that a general housing need across the District is established. In this context and given the limited scale of the proposal as well as its proximity to the village, officers consider that the provision of houses in the in this location accords with the housing locational strategy of the WOLP as set out in Policies OS2, H1 and H2.

Siting, Design, Form and Landscape Impact

5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). WOLP Policy OS2 also requires that development should 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. The requirement to respect and enhance the landscape and visual character of the area is also set out in Policy EH2 (Landscape character).

5.15 The West Oxfordshire Design Guide (Section 11) sets out supplementary design guidance in the District and states that:

'In the case of a site within or immediately adjoining a settlement with a distinctive established character, it may be most appropriate to develop a scheme that echoes and builds sympathetically upon distinctive aspects and features of that settlement, in order to create a place whose character meaningfully relates to that of its context... In the case of locally inspired schemes, character should not merely be understood in terms of local house types and materials; but also, for example, in terms of locally distinctive settlement and street patterns, public and private open space, landscape, surface and boundary treatments.'

5.16 In terms of layout, the proposed dwelling would be sited in the central portion of the site and logically set in the broadly rectilinear plot. Officers consider that the size of the site is sufficient to ensure that the dwelling could be accommodated without reading as cramped or contrived. The loss of the paddock itself will be fully considered in the following section of this report, but officers consider that its enclosed character and close relationship to neighbouring residential gardens on this ragged edge of the village would ensure that the loss of this feature in landscape terms would not result in a significant adverse impact and any visual perception of the dwelling from the west would be in the context of a backdrop of residential development.

- 5.17 With regard to height, the dwelling would measure 7.83m to the ridge and 4.9m to the eaves, which is comparable albeit slightly lower than neighbouring dwellings. In terms of design, the building would take a neo-vernacular appearance akin to existing dwellings at The Paddocks, with good proportions and a compact footprint comprised of a duo-pitched main block with rear projecting gable and single story element. The application is therefore considered to represent a locally informed and appropriate design in accordance with the above policy context.

Impact upon Heritage Assets

- 5.18 Given the application site within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.19 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states 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. WOLP Policies EH9 and EH10 are directly relevant to the application.

Main elements contributing to the significance of the CA

- 5.20 The CA covers a large proportion of the village, incorporating the historic core centred on a triangular square; areas of agricultural land close to the historic core and large areas of modern residential development largely to the east of the core. The historic core of the village incorporates many of the village's historic buildings, a number of which are listed, and its vernacular architecture and linear arrangement along the main streets form a large part of its significance. The surrounding agricultural land would once have been relied on for farming and the significance of this rural landscape is demonstrated by the inclusion of some agricultural land within the CA and reflects the importance of the long views of the settlement and the historic patterns of enclosure.

Contribution of the site to the significance of the CA

- 5.21 The site is made up of an undeveloped paddock on the edge of the village, which demonstrates a relatively enclosed character owing to mature boundary vegetation and delineation of the western and southern boundaries in particular, which separate the site visually and physically from more open fields beyond. Officers note that the site appears to have been separated in this way for many years as demonstrated in historic mapping data and therefore reads as a transitional space between the built up area and open countryside. This is characteristic of the fairly ragged edge of the settlement in this location, but in officer's view means that the site forms a limited contribution to the wider agricultural setting of the village and its heritage significance through association with agriculture, and shares a closer relationship to neighbouring residential dwellings and gardens than with the open countryside.

Impact of the scheme upon the significance of the CA

5.22 The proposed development would result in the loss of this area of paddock on the fringes of the village, and therefore on a site level would result in an urbanising impact. However, given the enclosed character of the site, separation from open countryside and its close relationship to 'The Paddocks', your officers consider that the introduction of a residential dwelling in this location would form a logical compliment to the pattern of development and result in a very low level of harm to the significance of the CA. Officers also note that the perception of this change would be minimal, with no views of the site possible from Bull Street and views from the west along Ham Lane would be heavily filtered and set in the context of existing built form. On this basis, whilst the loss of a small area of paddock would necessitate 'less than substantial' harm in the terms of the NPPF, for the reasons as set out above this harm would amount to a very low level. Nonetheless, under the terms of the NPPF, great weight must be applied to this very low level of harm and weighed against the public benefits of the scheme. In this regard, whilst the provision of a single dwelling and associated socio-economic benefits should not be awarded more than limited weight, this would outweigh the heritage harm identified given its very low level. The application therefore complies with WOLP Policies EH9, EH10 and EH13, as well as the relevant paragraphs of the NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeological impacts

5.23 The site lies in an area of archaeological interest and potential, south of the village of Aston. around 80m to the west of the site. OCC Archaeology have confirmed that a later prehistoric (Roman) settlement complex has been recorded via aerial photographs of cropmarks as part of the Thames Valley Project National Mapping Programme. Cropmarks of a potential trackway appear to run towards the proposal site, and it is possible that these and further remains, which do not show in aerial photographs, survive on the site and would be impacted by the development. Therefore, OCC Archaeology have recommended the imposition of planning conditions to ensure that a staged programme of archaeological investigation shall be maintained during the period of construction. Subject to the conditions as set out in Section 6, the application is therefore acceptable in this regard.

Neighbourly Amenity

5.24 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in WOLP Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.25 The application has been amended through the submission of revised plans to re-site the propose dwelling such that it would sit parallel with the east and west boundaries of the site and further south than the plans as submitted. The result of this change is that the dwelling would be sited 22-30m from the rear façade of No.3 The Paddocks. Therefore, your officers consider that this separation distance would ensure that the proposed dwelling would not result in an adverse impact upon No.3 by way of overlooking, loss of light/outlook or overbearing.

5.26 The amended plans have reorientated the dwelling so that upper floor windows would be directed

away from the rear elevation and private amenity space of No.5 and therefore subject to a condition to ensure suitable boundary treatments are installed, the privacy of No.5 would be protected. Given the off-set and separation to No.5, no adverse impact by way of loss of light/outlook or overbearing would result that would warrant refusal of the application. As such, the application is considered acceptable in neighbourliness terms.

Drainage/Flood Risk

5.27 WOLP Policy EH7 relates to flood risk and states that:

"Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk".

5.28 The LPA's drainage engineers have reviewed the scheme, which is located on land within Flood Risk Zone 1, and raised no objection subject to the imposition of a pre-commencement surface water condition.

Highways

5.29 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. WOLP Policy T1 seeks to steer development into areas with 'convenient access to a good range of services and facilities and where the need to travel by private car can be minimised'. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.

5.30 The application has been subject to consultation with the Highways Authority, who have raised no objection to the application subject to conditions to ensure parking and turning facilities are provided on site. The application is therefore considered acceptable in terms of highways safety and given its sustainable location as set out, is considered to accord with the above policy context.

Ecology

5.31 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

5.32 The application is subject to Statutory Biodiversity Net Gain ('BNG'), and the Biodiversity Officer ('BO') has confirmed that the amended BNG information is acceptable subject to conditions.

5.33 In accordance with Policy EH3, to provide additional enhancements for biodiversity, bat roosting features and bird nesting opportunities are sought via condition. The site is located within the amber impact risk zone for Great Crested Newts as per the NatureSpace district licence modelled map indicating that some suitable habitat is present within the surrounding area. There is 1 no. pond approximately 190 metres of the site but this is separated from the site by urban development reducing the likelihood that great crested newts will be present within the site. The managed grassland habitat onsite has low suitability for great crested newts due to the lack of

shelter provided, but scrub along the southern boundary provides opportunities for the species. Similarly, the boundary vegetation may be used by nesting birds, reptiles, and hedgehogs. Clearance of boundary vegetation is therefore recommended to follow a precautionary method to avoid impacts to protected species that may be present. This can be secured by condition.

- 5.34 Comments objecting to the scheme are made on the basis that the proposal would result in likely significant effects on Cothill Fen Special Area of Conservation ('SAC') and Oxford Meadows SAC. European Designated Sites are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Under the Habitats Regulations, the Council has a specific duty as a "Competent Authority" to ensure that European designated sites are protected, conserved and restored, during the normal exercise of its duties. In this case, the site is located more than 10km from the SACs identified, the Biodiversity Officer has not identified any ecological connectivity between the sites and the scope of the project is minor, such that there will be no likely significant effect on these sites and further assessment is not required.

Other Matters

- 5.35 A planning condition to ensure suitable measures to achieve water efficiency are installed is recommended.
- 5.36 The application site is within a mineral safeguarding area however, no conflict with the Oxfordshire Minerals and Waste Local Plan is identified as the proximity of the site to existing residential properties would mean that mineral extraction in this location would not be possible.
- 5.37 There is no basis on which to impose conditions regarding construction working hours. This is because there are separate powers to prevent harm resulting from noise and activity related to construction works.

Planning Balance and Recommendation

- 5.38 As set out above, the decision-making process for the determination of this application is 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.
- 5.39 With regard to I I(d)(i), this assessment has found that the proposal would comply with the policies of the NPPF and WOLP with regard to the impact on the CA.
- 5.40 With regard to ii), officers consider that the proposal would accord with the provisions of the development plan and have not identified any significant adverse impacts that would conflict with either the WOLP or NPPF. As such, there are no adverse impacts that would significantly and demonstrably outweigh the public benefits arising from the creation of a single dwelling in this location and thus warrant refusal of the application, and this balance must fall in favour of granting

consent and the application is therefore recommended for approval subject the conditions as set out in Section 6.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 27.06.2025.

REASON: The application details have been amended by the submission of revised details.

- 3 The external walls of the dwelling hereby approved shall be constructed with natural cotswold stone, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

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

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

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

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

- 6 The dwelling hereby approved shall not be occupied until a plan indicating the position, design, materials and height of fencing to be erected along the eastern boundary of the site has been agreed in writing by the Local Planning Authority and erected on site in accordance with the approved details. The boundary treatment shall include provision for hedgehog highways and shall be retained in that condition thereafter.

REASON: To safeguard the character and appearance of the area, amenity of neighbours and improve opportunities for biodiversity.

- 7 No dwelling hereby approved shall be occupied until the means to ensure a maximum water

consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

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

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

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

- 9 The dwelling hereby approved shall not be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

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

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

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

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

- 12 Following the approval of the Written Scheme of Investigation referred to in condition 11, and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

- 13 The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full before the development hereby approved is first brought into use, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.
- i. Site clearance and construction shall be carried out in accordance with West Oxfordshire District Council's Biodiversity Specification #1 Precautionary Working Methods
 - ii. At least 3 no. Swift bricks to be integrated / built-in to the east elevation wall of the new building at 1 metre intervals and in accordance with the council's Biodiversity Specification #3;
 - iii. At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the east elevation wall of the new building in accordance with the council's Biodiversity Specification #4;
 - iv. Hedgehog gaps created in new boundary features; and
 - v. Statutory Small Sites Metric completed by Robert Craine dated 19/11/2024 and Biodiversity Net Gain Assessment report prepared by Diversity dated December 2024, subject to final confirmation as part of the biodiversity gain plan.

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 and to secure the biodiversity net gain proposals.

- 14 Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating native hedgerow planting and at least one fruit tree as additional biodiversity enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:
- i. A plan showing existing vegetation to be retained and safeguarded during construction;
 - ii. A plan showing the areas to be managed for biodiversity;
 - iii. A landscaping implementation plan (e.g. phasing); and
 - iv. Detailed planting and sowing specifications, including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control.

The development shall be carried out in accordance with the approved 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 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.

- 15 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

Notes to applicant

- I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
- 2 Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

The relevant Biodiversity Specifications can be downloaded from the council's website at:
<https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversityspecifications/>

For more information on hedgehog gaps/holes in fences and walls, please visit
<https://www.hedgehogstreet.org/help/hedgehogs/link-your-garden/>

Bat roost features (e.g. brick, box or access panel) and boundary hedgerows may be used by light sensitive species, including bats, and avoiding direct lighting of these features would increase the likelihood of use by bats and other light sensitive species.

- 3 There is a low risk that great crested newts may be present at the application site. However, the application site lies within the amber impact zone as per the district licensing scheme modelled map, which indicates that there is suitable habitat for great crested newts within the area surrounding 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.

- 4 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk

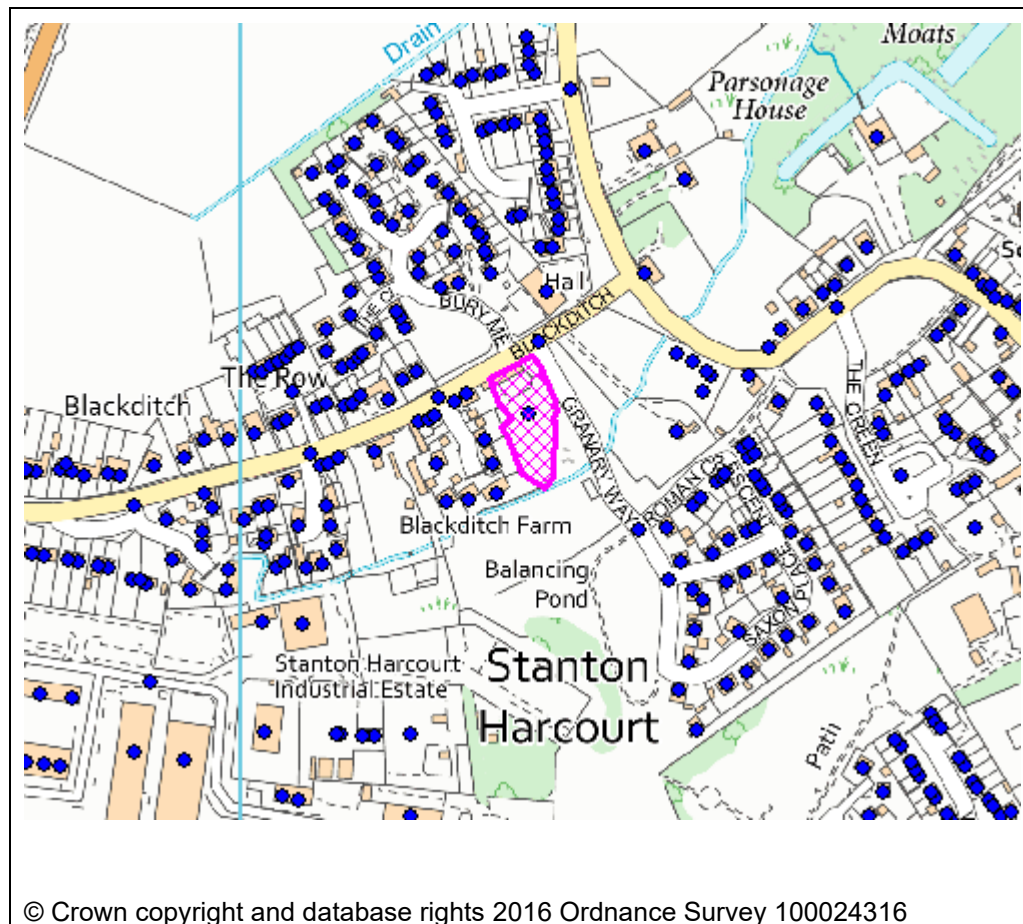
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025

Application Number	24/03277/FUL
Site Address	Land (E) 441191 (N) 205720 Blackditch Stanton Harcourt Oxfordshire
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Provisional Approval
Parish	Stanton Harcourt Parish Council
Grid Reference	441191 E 205720 N
Committee Date	11th August 2025

Location Map



Application Details:

Demolition of majority of existing stable building. Erection of seven dwellings with associated works to include new access road, carports, parking bays and soft and hard landscaping (amended plans)

Applicant Details:

Bury

Care Of Agent

I CONSULTATIONS

Conservation And Design Officer	No objection.
OCC Highways	No objection subject to conditions.
WODC Drainage	No objection subject to condition.
District Ecologist	Holding objection.
Env Health Contamination	No objection subject to conditions.
Env Health Noise And Amenity	No objection subject to condition.
Thames Water	No Comment Received.
Environment Agency	No comment.
Parish Council	Objection on following grounds: 1. Impact on the Environment 2. Impact on Traffic and Transportation 3. Impact on Noise Levels and Pollution 4. Impact on the Character and Appearance of the Area (Policy OS2 and OS4) 5. Impact on Sustainability 6. Impact on Neighbouring Properties and Privacy 7. Impact on Local Amenities and Services Reconsultation- reiteration of above comments.
OCC Archaeological Services	No objection subject to conditions.
WODC Drainage	See above.
Parish Council	See above.
OCC Highways	See above.
Thames Water	No Comment Received.
District Ecologist	See above.

2 REPRESENTATIONS

2.1 A total of 29 objection comments were received to the original consultation. These are available to view in full on the Council's website but are summarised as covering the following matters:

- Poor design and harm to the Conservation Area and nearby Listed Buildings
- Overdevelopment of the site
- Loss of important area of green space and stable building
- No provision for previously planned village shop/impact on local facilities
- Lack of parking/highways concerns
- Noise levels and pollution
- Sustainability impact/reliance on private car
- Adverse neighbourliness impact on 4 Farmhouse Close resulting from Plot 6
- Impact on surface water drainage and sewerage system
- Impact on local ecology and landscape

2.2 Your officers also note that various comments mention issues with the public consultation process. In this regard, the LPA has complied with its statutory requirements for this type of application.

2.3 A further 13 comments in objection have been received in response to the reconsultation on amended plans. These are also available to view in full on the Council's website but generally reiterate previous concerns and state that the changes made are minor in nature and previous concerns remain applicable.

3 APPLICANT'S CASE

3.1 An amended Design and Access Statement has been submitted by the Applicant (March 2025). Along with all relevant planning documents, this is available in full on the Council's website, but the key points are summarised below.

3.2 "The existing site consist of a row of dilapidated 19th century stables that back onto Blackditch, with an associated hardstanding & paddock stretching south away from the stables alongside Granary Way towards the small waterway that runs through the village. The roughly triangular site covers an area of approximately 2538 square metres, 0.6 Acres.

3.3 The site was included within the development boundary of application 16/03627/OUT that granted permission for the 40 house Deanfield's development to the southeast of the site. As part of this application the development site was earmarked for the construction of a shop and was retained by the current landowner when the Deanfield's development was sold. Unfortunately, upon further assessment it was concluded that a shop would not be a viable option.

3.4 The Conservation Area Character Appraisal identifies the stable, the adjoining small barn and boundary wall, as being 'Locally Listed' and as such worthy of retention. The stables are however in a heavily dilapidated condition and unsuitable for redevelopment. John Moore HERITAGE SERVICES were instructed to produce a Historic building impact assessment for the site, which assessed the stables to be a heritage asset of "low significance". The full heritage report is attached as part of this application.

3.5 It is proposed that 7 new dwellings are to be built on the site, consisting of five 3-bed dwellings and

two 4-bed dwellings. Development of this scheme has involved the careful discussion of ideas and visions with the client, heritage experts and planners to create a proposal that best suites the site and its surroundings.

3.6 Whilst the proposal involves demolishing much of existing stable, the small barn at the stables western end, has been kept outside of the development boundary and will be retained, whilst a portion of the stables rear wall will be preserved as a garden wall, as mentioned. Both actions we believe help mitigate the removal of the stable and helps minimise any impact of surrounding heritage assets as it helps preserve elements of the existing views and street scene of Blackditch, which acts as the main link between the development site and the listed Smithey's cottage and Blackditch farmhouse.

3.7 The Proposed scheme has digested the feedback from the pre-application, and we feel that the full application suitable responds to the feedback and referenced planning policies."

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH12 Traditional Buildings

EH16 Non designated heritage assets

WIT6NE Witney sub-area strategy

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the demolition of majority of existing stable building and the erection of seven dwellings with associated works to include new access road, carports, parking bays and soft and hard landscaping at Land (E) 441191 (N) 205720, Blackditch, Stanton Harcourt.

5.2 The application has been amended since submission, and necessary re-consultation with neighbours

and the Parish Council has taken place.

5.3 The site is located within the village of Stanton Harcourt to the southern side of Blackditch and west of Granary Way within the Stanton Harcourt and Sutton Conservation Area ('CA'). At present, the site hosts a locally listed single storey stable building, associated hardstanding, boundary treatments and pasture. The closest listed buildings to the site are Blackditch Farmhouse approximately 65m west (Grade II) and Smithy's Cottage circa 90m east (Grade II).

5.4 The application is brought before Members due to the objections of the Parish Council on the grounds set out above and has been deferred from the previous meeting to allow Member site visit, the submission of further BNG information and to re-consult Thames Water.

Development Plan

5.5 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').

5-Year Housing Land Supply and the NPPF

5.6 The Council cannot demonstrate a five-year supply of housing land. The 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 providing strong reason to refuse the development in accordance with NPPF para. 11.

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

- Principle
- Layout, Scale and Appearance
- Impact upon Heritage Assets
- Neighbourly Amenity
- Highways/Transport
- Drainage/Flood Risk/Water Supply
- Ecology/Trees

5.8 Each will be considered in the following sections of this report.

Principle

5.9 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which characterises Stanton Harcourt as a 'village', where limited development which respects the village character and local distinctiveness may be acceptable.

5.10 Policy OS2 also contains a set of general principles with which new development should comply including all development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment

5.11 Policy OS2 goes on to outline that proposals for residential development will be considered in accordance with the locational housing strategy contained in WOLP Policy H2. Policy H2 states that new dwellings may be permitted in 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; and
- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.'

5.12 The existing site comprises stable building, associated hardstanding and boundary treatments and appears to have been historically used for horse grazing. In the absence of any planning history on the land, your officers consider that the lawful use of the land should be considered agricultural and therefore does not fall within the definition of 'previously developed land' as set out in Annex 2 of the NPPF and should therefore be considered 'undeveloped land' for the purposes of H2.

5.13 The site lies within the built-up area of the village, owing to the presence of residential development along Blackditch to the west, Bury Mead to the north, recently constructed residential scheme at Granary Way to the south and historic village centre to the east. As such, regardless of whether the site should be considered previously developed, the proposal is acceptable in principle

under Policy H2, as the loss of the existing use would not contravene any local plan policies. The site was indicated as a shop under application 16/03627/OUT, however, this was not secured via legal agreement nor came forward with the associated reserved matters application. Therefore, this is not considered a constraint to the proposed development. This is qualified under H2 so that the application should also comply with other plan policies, in particular the general principles in Policy OS2, which will be assessed below.

Layout, Scale and Appearance

- 5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). WOLP Policy OS2 also requires that development should 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.
- 5.15 The West Oxfordshire Design Guide (Section 11) sets out supplementary design guidance in the District and states that:
- 'In the case of a site within or immediately adjoining a settlement with a distinctive established character, it may be most appropriate to develop a scheme that echoes and builds sympathetically upon distinctive aspects and features of that settlement, in order to create a place whose character meaningfully relates to that of its context.'
- 5.16 In terms of layout, the proposal would involve the partial demolition of the stable building such that only the road-facing wall would be retained up to 1.2m in height to form the boundary treatment fronting Blackditch. A terrace of five three-bed dwellings would be formed in its place and set over a split-level plan with rear projecting gables. The terrace continues the strong building line along Blackditch with parking to the rear.
- 5.17 Set back in the site would be two four-bed detached dwellings fronting the internal site access road. The layout has been amended to pull Plot 6 away from neighbouring dwellings on Farmhouse Close and reorientate Plot 7 to address Granary Way. These plots would be served by on-site parking for two cars. Officers consider that the layout reflects the linear pattern of development along Blackditch and acknowledge that set back detached properties are characteristic of the evolution of the settlement in this area as evidenced by Farmhouse Close and more recently the 40-home Deanfield development to the south east.
- 5.18 The dwellings would be two-storey in height ranging from 9.1m-8.6m in height with secondary projections. The forms are considered vernacular in terms of scale, massing and proportion, and could be accommodate within the site given its size. With regard to appearance, the design has been amended to simplify the elevational treatment, better deal with the levels change and address the corner on Granary Way. Overall, the dwellings are of modest vernacular appearance, using clean and simple forms with high-quality, local materials and details, such as natural stone, reconstituted stone slate and red-brick chimneys. Therefore, the proposed design is considered to accord with WOLP Policies OS2 and OS4 as well as the West Oxfordshire Design Guide and Section 12 of the NPPF.

Impact upon Heritage Assets

- 5.19 Given the application site within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.20 Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, due to the proximity of listed buildings as set out above, which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.21 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states 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. WOLP Policies EH9 and EH10 are directly relevant to the application with regard to the impact of the proposal upon the character and appearance of the CA.
- 5.22 Officers also note that the proposal would result in the partial loss of a building identified as locally listed within the Stanton Harcourt and Sutton Conservation Area Character Appraisal and as such, WOLP Policies EH12 and EH16 are relevant as well as paragraph 216 of the NPPF which outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 217 also states that where partial loss of a heritage asset is permitted, LPAs should take all reasonable steps to ensure the new development will proceed after the loss has occurred.

Main elements contributing to the significance of heritage assets

- 5.23 Before turning to assess the impacts of the proposal upon the significance of the CA, it is first necessary for officers to identify the existing character and appearance of the area, which is charted in the Stanton Harcourt and Sutton Conservation Area Appraisal ('CAA') and Proposals for Preservation and Enhancement document ('PPE'). The special character of the CA is derived from a range of factors, most significantly from the built environment and its interaction with the natural and agricultural landscape that surrounds the villages. The villages have a long history with evidence of activity in the parish dating particularly to the Bronze Age, Iron Age and Romano-British era with settlement at Stanton Harcourt and Sutton by about the 9th century. Agriculture played a major part in the establishment and development of the villages, due to the geology being well suited to meadow or pasture use. In 1940, a military airfield was built to the south- west of the village.

5.24 The CAA describes the character of the village as:

'An attractive village of loose-knit form. It features an abundance of Listed buildings, including a memorable and highly significant cluster of structures at its core with development activity historically centred on the church and Harcourt House. Winding around this core are lanes lined with short terraces and distinctive thatched cottages. These lanes, together with small parcels of open land, serve to create a series of attractive internal vistas, and both components represent enriching and distinctive features of the character area. Moving out from this core the density of the settlement drops off, eventually giving way to scattered farmsteads and labourers' cottages'.

5.25 Officers therefore consider that the significance of the CA is primarily derived from its high concentration of listed and vernacular buildings, settlement pattern (including its development over time). Officers also consider that the link between the village and its airfield, constructed during WW2 to serve as a bomber base from which Churchill departed for the Casablanca Conference in 1943, also forms part of its historic significance.

5.26 With regard to listed buildings, the significance of Blackditch Farmhouse and Smithy's Cottage are derived primarily from their architectural value in relation to historic vernacular architecture, construction techniques, design, the origins and ongoing development of the building.

Contribution of the site to the significance of heritage assets

5.27 The application site comprises an area of undeveloped agricultural land within the core of the settlement and vernacular historic stable building. Officers note that these features form a positive contribution to the historic significance of the CA through its contribution to the legibility to the historic character of the settlement and demonstration of the historical connection of the settlement with agriculture and adjacent locally listed buildings to the west.

5.28 However, officers consider that the site must be viewed in the context of recently constructed residential development along Granary Way, which has resulted in a partial erosion and suburbanisation of the former agricultural character and appearance of the area. Further, the site is contextualised by cul-de-sac style development at Farmhouse Close and Bury Mead, which ensure that the site reads as an isolated parcel of land forming a limited contribution to the character and appearance of the area and given the intervening distances and built form to listed buildings, a negligible contribution to the setting of listed buildings.

Impact of the scheme upon the significance of heritage assets

5.29 The proposed development would result in the partial loss of the locally listed stable and a significant erosion of its significance, as well as a lesser degree of harm to the setting of locally listed building to the west through erosion of their historical link. This therefore amounts to harm non-designated heritage assets which is considered further below. Further, it would introduce built form across the currently undeveloped site within the CA. Whilst small in scale, the existing open, undeveloped character of the site will largely be lost and the loss of the stable building will result in a weakened historical association between the site and the surrounding locally listed farm buildings. Further, views from Blackditch will be partially suburbanised albeit in the context of existing modern residential development. Your officers note that the proposed design would be of high quality, fronting the highway in a manner characteristic in the locality and using vernacular materials and having been amended during the course of the application to simplify the layout, elevational

treatment and better address the streetscene. In this context, the application is considered to result in a low level of less than substantial harm in the terms of the NPPF, which must be awarded great weight in an initial heritage balance.

Heritage balance

5.30 Paragraph 215 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

5.31 As set out, this duty is enshrined in the WOLP Policy EH9, effectively granting Paragraph 215 statutory weight.

5.32 Officers also have regard to the 'balanced judgement' as required by the NPPF and EH16 in relation to impact upon the locally listed stable.

5.33 Having identified less than substantial harm to the significance of the CA, to which great weight must be applied, the balancing exercise set out under Paragraph 215 of the NPPF must be undertaken whereby the public benefits of the scheme are weighed against the heritage harms. In this case, the harm identified is considered to fall towards the lower end of less than substantial in the terms of the NPPF. In terms of the public benefits arising from the application, the scheme would provide seven dwellings at a time when the LPA is unable to demonstrate a 5-year housing land supply. Further, officers recognise para. 73 of the revised NPPF which acknowledges that small sites can make an important contribution to meeting the housing requirement of an area. Your officers consider that the socio-economic benefits arising from the provision of dwellings are by nature proportional to the size of the scheme. Nonetheless, officers consider that the socio-economic benefits related to the provision of seven dwellings should be awarded moderate weight given the LPA's housing land supply position.

5.34 Conversely, there would be less than substantial harm to the CA, which would fall towards the lower end of less than substantial. When applying great weight to this level of 'less than substantial' heritage harm to the significance of the CA, as required by NPPF Paragraph 212, officers consider that this heritage balance falls in favour of the application.

5.35 Officers consider that with regard to the locally listed stable and associated buildings to the west, officers note that the stable building contains some historic fabric that holds interest in relation to historic vernacular architecture but has been substantially altered in the 20th century with little historic fabric surviving other than the northern wall, which (whilst altered) would remain a feature in the streetscene. Therefore, given the public benefits as listed above, a balanced judgment must fall in favour of granting consent.

5.36 The application therefore complies with WOLP Policies EH9, EH10, EH11, EH12 and EH16, as well as the relevant paragraphs of the NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbourly Amenity

5.37 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not

have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in WOLP Policy OS4, the NPPF and the West Oxfordshire Design Guide.

- 5.38 With regard to neighbourliness, your officers consider that Plots 1-5 give rise to minimal concerns by virtue of their siting fronting Blackditch, fenestration and resultant relationship with neighbouring dwellings to the west and along Farmhouse Close.
- 5.39 Your officers also consider that Plot 7 is sited such that it would be set approximately 30m from closest residential dwelling and therefore not giving rise to any overbearing or loss of light concerns. Further, due to its orientation and fenestration arrangement, it would not give rise to any overlooking concerns.
- 5.40 With regard to Plot 6, your officers note objection comments regarding potential impacts upon dwellings at Farmhouse Close, particularly No. 4. In this regard, Plot 6 would be located approximately 16.5m-18m from the rear elevation of No.4 and set to the north east. Changes made during the course of the application ensure that Plot 6 has been shifted east by approximately 1.5m, the rear projecting gable moved further eastward, away from No. 4, and shortened by 2m. There remain no upper floor side windows that would give rise to any overlooking concerns. Taking all of these factors into account including the orientation of the properties in relation to one-another, it is officer opinion that the proposed amended design would result in an acceptable impact on neighbouring properties by way of overlooking, loss of light and outlook and overbearing impacts.

Highways/Transport

- 5.41 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. WOLP Policy T1 seeks to steer development into areas with 'convenient access to a good range of services and facilities and where the need to travel by private car can be minimised'. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.
- 5.42 In terms of accessibility, the site is located adjacent to the built-up area of the village, with pedestrian access to the centre of the village, where a limited number of services are concentrated. Whilst officers note sustainability concerns, Stanton Harcourt is listed as a village in the WOLP which is suitable to limited housing development.
- 5.43 In terms of safety, the proposed arrangement, including new access, has not drawn objection from the Highways Authority on the grounds of access and is considered to meet with the Highways Authority's guidance on vehicular parking in this location. Officers are therefore satisfied that the application is acceptable in highways safety terms.

Drainage/Flood Risk/Water Supply

- 5.44 WOLP Policy EH7 relates to flood risk and states that:

"Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk".

5.45 The LPA's drainage engineers have reviewed the scheme, which is located on land within Flood Risk Zone 1, and raised no objection subject to the imposition of a pre-commencement surface water condition. A very small portion of the site is categorised by the Environment Agency as having a 'low chance' of surface water flooding but given its very limited extent and location, this is not considered to trigger the 'sequential test' as set out in the NPPF.

5.46 In terms of foul water and water supply, your officers have consulted with Thames Water and have not received a response. On this basis and given the limited scale of the scheme, your officers do not consider that it would be reasonable to withhold consent on this basis.

Ecology/Trees

5.47 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

5.48 The application is subject to statutory Biodiversity Net Gain ('BNG').

5.49 Amended ecological information has been submitted and is under consideration by the Council's Biodiversity Officer. On the basis of the initial comments of the Biodiversity Officer, these comments are likely considered surmountable, and therefore, your officers seek delegated authority to determine the application (with appropriate conditions) at such time as the ecology matters are resolved to the satisfaction of the Biodiversity Officer.

5.50 Your officers note that the application site is dominated by buildings/hardstanding as well as paddock grassland with limited trees. The proposal would lead to the removal on one specimen on the northern site boundary, however this would result in no material impact on the character and appearance of the area.

Other Matters

5.51 With regard to sustainability, this is covered in Section 6 of the applicant's Design and Access Statement, which sets out that EV charging will be installed, ASHPs will be used and solar PVs installed.

5.52 There is no need to impose conditions regarding construction working hours or requiring the provision of electric vehicle charging points. This is because there are separate powers to prevent harm resulting from noise and activity related to construction works, and building regulations now require electric vehicle charging points to be provided for all new dwellings with associated parking spaces.

5.53 Land contamination has been considered and officers recommend imposition of planning conditions to safeguard health of future occupiers as recommended by the Council's Environmental Health Officer.

Planning Balance and Recommendation

- 5.54 This assessment has found that the application would accord with the spatial strategy of the WOLP with regard to the location of new residential development and following revisions made during the course of the application, would represent a sensitive and well-designed scheme reflecting local character in its layout, form and vernacular appearance. Whilst the proposal would lead to the removal of much of the historic fabric of a locally listed building within the CA, for the reasons set out above, your officers consider that its contribution to the significance of the CA is limited, and that the moderate public benefits resulting from a comprehensive redevelopment of the site and the provision of seven dwellings in a sustainable location in the context of the LPA's 5YHLS position would outweigh the low level of less than substantial harm identified, noting that the scheme has not drawn objection from the Conservation and Design Officer.
- 5.55 Officers note that the amended design would result in an acceptable impact upon the amenity of third parties and the OCC Highways, although these as well as drainage matters should be considered neutral impacts and do not weigh in favour of the application.
- 5.56 Whilst the biodiversity impact of the scheme is yet to be quantified, officers anticipate a moderate positive impact resulting from the provision of BNG of at least 10% and enhancement features to be secured via condition.
- 5.57 In light of this assessment, the application is considered to accord with the provisions of WOLP Policies OS1, OS2, OS3, OS4, WIT6, H1, H2, H4, T1, T2, T3, T4, EH2, EH3, EH7, EH8, EH9, EH10, EH11, EH12 and EH16, the West Oxfordshire Design Guide 2016 the NPPF 2024. The adverse impacts of the scheme therefore would not significantly and demonstrably outweigh the benefits and the application is therefore recommended for provisional approval with officers granted delegated authority to resolve biodiversity matters and impose additional conditions/informatives as appropriate.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 26th March and 10th April 2025.

REASON: The application details have been amended by the submission of revised details.

- 3 The external walls of the dwellings hereby approved shall be constructed with natural cotswold stone, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

- 4 The roof(s) shall be covered with reconstituted stone slates a sample of which shall be submitted to

and approved in writing by the Local Planning Authority before any roofing commences.

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

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

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

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

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

- 7 Prior to first occupation of the dwellings hereby approved, boundary treatments serving the site shall be erected in full accordance with the details shown on Plan Reference: 134-B (Site Plan Proposed Boundary Treatment Materials) and retained in that condition thereafter.
Notwithstanding the provisions of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the application site other than those expressly authorised by this permission.

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A (all plots), or D (Plots 1-5 only), shall be carried out other than that expressly authorised by this permission.

REASON: To safeguard the character and appearance of the area and prevent overdevelopment of the plots.

- 9 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

REASON: To ensure any contamination of the site is identified and appropriately remediated.

- 10 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully

implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

REASON: To ensure any contamination of the site is identified and appropriately remediated.

- I 1 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

- I 2 Following the approval of the Written Scheme of Investigation referred to in condition I 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

- I 3 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

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

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

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

REASON: To ensure a safe and adequate access.

- 16 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

- 17 Prior to first occupation of the dwellings hereby approved, cycle parking facilities shall be installed in accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be retained in accordance with the approved details thereafter.

REASON: In order to ensure the provision of cycle parking facilities to allow for active travel.

Notes to applicant

- 1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
- 2 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should

a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk

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

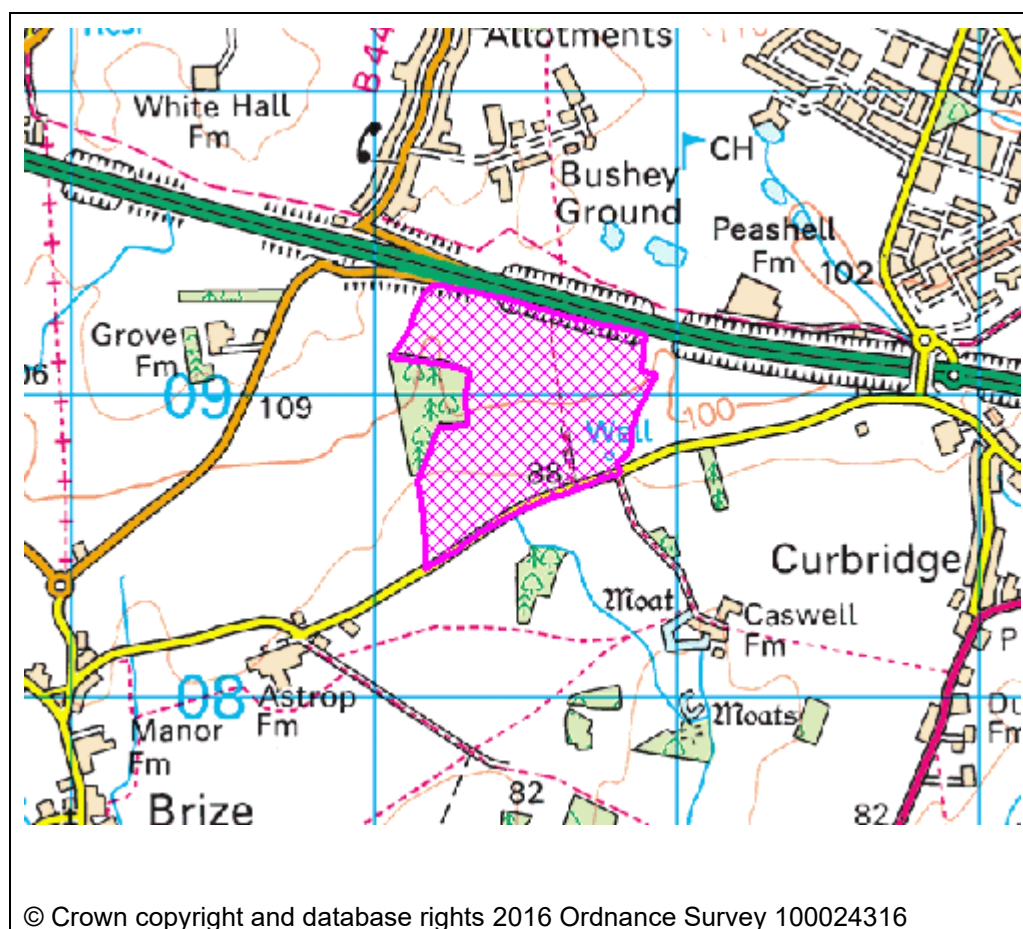
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025

Application Number	24/03278/FUL
Site Address	Land (E) 431186 (N) 208772 Witney Road Brize Norton Oxfordshire
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Approve subject to Legal Agreement
Parish	Curbridge Parish Council
Grid Reference	431186 E 208772 N
Committee Date	11th August 2025

Location Map



Application Details:

Construction and operation of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access, ancillary works and landscaping

Applicant Details:

Witney Solar Limited

14b Tower 42
25 Old Broad Street
London
EC2N 1HN

I CONSULTATIONS

MOD MOD (Brize Norton)	No objection subject to conditions.
District Ecologist	No objection subject to conditions and S106 obligations.
Env Health Contamination	No objection subject to conditions.
Env Health Noise And Amenity	No objection subject to condition.
Natural England	No objection- standing advice issued.
Newt Officer	No Comment Received.
OCC Rights Of Way Field Officer	No objection.
Conservation And Design Officer	No objection- low level of less than substantial harm to the setting of heritage assets associated with Caswell Farm identified.
Major Planning Applications Team	Transport No objection subject to conditions. LLFA Objection on the grounds of insufficient information. Archaeology No objection subject to conditions. Fire No objection.
Wildlife Trust	Objection, in relation to the following issues: 1. Potential for serious impact on priority species breeding birds including skylark 2. Concerns relating to BNG, habitat creation and habitat management

3. Concerns relating to lighting

4. Concerns relating to fencing

Parish Council

Curbridge

The Parish Council do not object to this application but wish to comment as follows:

Concern over the suitability of the Downs Road/Witney Road junction. This needs upgrading. The access to the construction site shows a suitable upgrade so the same should be expected for the Downs Road junction;

Concern over the cable route to the sub-station at Ducklington as not fully established and as yet unknown. This is expected to be along the road verge from the proposed solar farm to the Downs Road junction but unknown after that point.

Preference expressed to remove the stile (access over the A40) and provide a kissing gate to improve safety and access. There are no warning signs on the A40 for this footpath across the dual carriageway. This is an opportunity for the applicant and also the applicant for the Peashell Farm site (25/00144/OUT) to improve this footpath access and safety across the A40 (ref:185/11).

WODC Tree Officer

Independent review carried out by MCA Landscape on behalf of the LPA. No objection subject to amended landscape interventions as set out in Section 5.

WODC Planning Policy Manager

No Comment Received.

Thames Water

No Comment Received.

Oxfordshire Fire Service

See above.

Adjacent Parish Council

Brize Norton

No objection.

Adjacent Parish Council

No Comment Received.

2 REPRESENTATIONS

2.1 A total of eight objection comments have been received from four interested parties.

- Impact of battery storage facility and wider solar farm on spring water supply to Caswell House

- Highways safety concerns along Witney Road resulting from construction traffic and difficulty accessing BESS should fire occur
- Impact on the setting of the Grade II* listed building at Caswell House and archaeology
- Need for strengthened screening
- Loss of agricultural land
- Adverse impact on local wildlife and ecology
- Impact on flood risk and hydrology
- Landscape and visual impact being out of character with the rural landscape

2.2 Each are considered in Section 5 of this report.

3 APPLICANT'S CASE

- 3.1 The Applicant has submitted a Planning, Design and Access Statement ('PDAS') in support of their case. The full document along with other supporting information can be viewed in full on the Council's website. The key points of the PDAS are summarised below.
- 3.2 'This Planning, Design and Access Statement has been prepared by Lanpro Services on behalf of Ampyr Solar Europe (the Applicant) in support of a full planning application for the proposed development of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access and landscaping (the Scheme), on a site that covers six adjacent agricultural fields of a total area of approximately 46ha on land north of Witney Road and south of the A40 road, Curbridge.
- 3.3 The proposed development will have an export capacity of up to 30 Megawatts (MW) ac and will include a battery storage capacity of 30MW. It is anticipated that the proposed solar farm could supply the electricity needs of upwards of 12,000 homes a year, which is equivalent to between 80-100% of all households in Witney. The clean energy generated will save on average approximately 12,800 tonnes of CO₂ per year, which adds up to over 500,000 tonnes of CO₂ over the next 40 years. The proposal will also deliver biodiversity enhancements and habitat creation.
- 3.4 The application is supported by a number of technical reports, which have demonstrated that there is no adverse impact arising from the development. In particular, the application is supported by a Landscape Visual Appraisal, which concludes that the scheme can be accommodated without significant harm on the identified landscape and mitigation receptors through the implementation of the proposed mitigation measures to the north and southern boundaries of the Site.
- 3.5 The application is also supported by a Historic Environment Desk Based Assessment, which confirms that there is no impact on the setting and significance of any designated heritage assets. The Applicant is liaising with the County Archaeologist in order to determine the percentage of the Site to be trial trenched, providing an appropriate response sought by the NPPF.
- 3.6 The Agricultural Land Classification confirms that the majority of the Site is Grade 3b and Grade 4, so of low agricultural land value. The Ecological Impact Assessment has provided ecological enhancements and mitigation measures. The Biodiversity Net Gain assessment concludes that the scheme is providing a net change of 80.38% in habitat units and a net change of 52.85% in hedgerow units, well above the 10% required by the Environment Act.
- 3.7 In addition, the Applicant has proactively engaged with the local community, discussing the benefits

of the proposal. The community's feedback was mainly positive with the community understanding the importance of the scheme to support the UK's commitment to net zero by 2050.

- 3.8 Therefore, the proposals have been assessed and are considered to be in accordance with the Council's Development Plan with a particular focus on Policy EH6. The technical reports that accompany the application have demonstrated that there are no reasons for the scheme to be refused on technical grounds.
- 3.9 The proposals are appropriate in respect of flood risk. The drainage strategy provides for adequate attenuation for surface water for sealed surfaces and includes measures to reduce run off from the solar fields.
- 3.10 The existing field access can be utilised to provide safe highway access for the construction, operation and decommissioning of the development.
- 3.11 Construction and decommissioning of the development would be managed through a Construction Environmental Management Plan which can be agreed by way of a condition on any planning permission. Once agreed, the Plan will prescribe Site access arrangements, movements, working hours and practises and environmental matters, to manage potential impacts to local people and the environment.
- 3.12 To conclude, there is a recognised need and support for renewable energy technology within Development Plan policy, national planning policy and national and local policy guidance. This development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources and more specifically, assist West Oxfordshire District Council in its own fight against climate change.
- 3.13 The proposed development is considered wholly compliant with all policies of the Development Plan and is sustainable development of notable planning benefit and should be approved without delay.'

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E2NEW Supporting the rural economy

T2NEW Highway improvement schemes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

EH13 Historic landscape character

EH15 Scheduled ancient monuments

EH16 Non designated heritage assets

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the construction and operation of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access, ancillary works and landscaping at Land (E) 431186 (N) 208772, Witney Road, Brize Norton.
- 5.2 The site comprises approximately 46ha of agricultural land located to the south west of Witney, between the villages of Curbridge, Brize Norton and Minster Lovell. The northern site edge is bound by the A40, with the Witney Road to the south. A mature woodland block lies at the western edge of the site with mature hedgerows and intermittent trees defining field boundaries. A Public Right of Way (PRoW Ref: 185/11/30) bisects the site running north-south. There are numerous PRoWs crossing the landscape to the south of the site between Brize Norton and Curbridge, as well to the north connecting Witney and Minster Lovell.
- 5.3 The site is not within any areas of designated planning significance. The nearest statutorily designated site is Worsham Lane Site of Special Scientific Interest ('SSSI'), located approximately 300m from the northwest of the Site. The Cotswolds National Landscape lies approximately 1.5km to the north of the Site. There are a number of Ancient Woodlands within the 2km study area. Those closest to the Site are Rabbits Piece Copse, an Ancient and Semi-Natural Woodland approximately 150m to the south of the Site and another copse approximately 200m to the southeast of the Site. The woodland adjacent to the Site is not classified as Ancient Woodland.
- 5.4 The Site falls within Flood Zone 1. There are small areas in the northwest and south that are at low to high risk of surface water flooding.
- 5.5 There are no listed buildings within the site. Listed buildings are located approximately 500m to the north (Charterville Allotments at Bushey Ground), 550m to the south (Caswell House (Grade II*) and associated farm buildings), 550m to the west (Grove Farmhouse and associated farm buildings) and 650m to the south west (Astrop Farmhouse and Brewhouse).
- 5.6 The majority of the application site is within the Curbridge Parish with a small portion within the Brize Norton Parish. Officers note that neither of these Parish Councils object to the application. Minster Lovell Parish lies in close proximity to the north and have submitted a representation in opposition to the application.

Relevant planning history

24/01127/SCREEN- Screening opinion (EIA) for development of a 30MW solar farm with 30MW BESS and associated works, equipment, and necessary infrastructure. Decision: EIA not required.

Development plan

- 5.7 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 comprised of the West Oxfordshire Local Plan 2031 ('WOLP').

5.8 The emerging Brize Norton Neighbourhood Plan remains in draft stage and therefore its policies are afforded reduced weight.

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

- Principle
- Use of agricultural land
- Impact on the landscape character/visual amenities of the area
- Impact on heritage assets
- Highways issues
- Biodiversity
- Flooding and drainage
- Contamination
- Glint and glare
- Noise
- Planning obligations

5.10 Each are considered in the following sections of this report.

Principle

5.11 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. In open countryside locations, OS2 requires development to be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area, as well as comply with the general principles of OS2.

5.12 Policy EH2 of the WOLP also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and manmade features of the local landscape.

5.13 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', is also directly relevant. EH6 supports the principle of renewable energy developments stating that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016).

5.14 The NPPF (2024) supports proposals for renewable and low carbon energy, with policies in this regard having been strengthened in the latest iteration. For example, paragraph 163 states 'the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts'. Paragraph 168 states that 'when determining planning applications for renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not

require applicants to demonstrate the overall need for renewable energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.'

- 5.15 National Policy Statements ('NPSs'), which make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects ('NSIPs'), would also form material considerations in the determination of the planning application even though this scheme is not a NSIP and as such the NPSs are not directly relevant.
- 5.16 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% to reach net zero by 2050. In 2021 the Government introduced the sixth Carbon Budget which enshrines in law a new target to cut emissions by 78% by 2035 compared to 1990 levels a new target of 81% was announced in November 2024.
- 5.17 West Oxfordshire District Council declared a Climate and Ecological Emergency in June 2019 and the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) recognises that solar energy can help meet targets for reducing carbon emissions and increase energy security.
- 5.18 There have been a number of Government policy statements and commitments produced in relation to energy and climate change in recent years. These include the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035, subject to security of supply.
- 5.19 In December 2024, the Government released their Clean Power 2030 Action Plan which sets out the pathway to achieving the government's goal of delivering at least 95% of Great Britain's generation through clean power by 2030. The Action Plan recognises that solar plays a key role in this target, requiring a substantial increase in installed capacity of both solar and battery infrastructure in a short timeframe. This is against the background of a predicted 40-60% increase in demand. In July 2024, a Written Ministerial Statement was made by the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, referring to boosting the delivery of renewables, which it described as 'critical to meeting the Government's commitment to zero carbon electricity generation.'
- 5.20 There is also a need to reduce reliance on imported fossil fuels in the interests of energy security and to ensure less volatile energy prices for UK consumers. The British Energy Security Strategy (2022) sets out the strategy to achieve this. It notes the expectation of increasing solar power fivefold by 2035. It also sets out the support for solar co-located with other functions such as battery storage to maximise the efficiency of land use.
- 5.21 The PDAS outlines that it is estimated that the solar panels would generate an export capacity of up to 30MW ac with a battery storage capacity of 30MW. This equates to energy supply to approximately 12,000 homes per year. The scheme would save over 500,000 tonnes of CO₂ over its lifespan of 40 years. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development. In the context of the above policy and legislative context, your officers consider that the principle of development in this instance to provide renewable energy generation and supporting infrastructure is therefore supportable. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

Use of agricultural land

5.22 The National Planning Practice Guidance ('PPG') (Renewable and Low Carbon Energy) sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, the LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. The NPPF advises that the best and most versatile agricultural land is land within grades 1, 2 and 3a of the agricultural land classification and seeks to steer development of this nature towards less productive land.

5.23 An Agricultural Land Classification survey has identified that the majority of the Site is Grade 3b (28.3ha) and Grade 4 (15.9ha), so is not considered best and most versatile agricultural land. 1.8ha of the site is Grade 2 (good quality). This equates to approximately 4% of the site located in an irregular pattern in the north east corner of the site. WOLP Policy EH6 requires some form of compelling evidence to justify the use of BMV agricultural land. The applicant states that this area would not be economically viable as an isolated agricultural field and it would not be feasible to design the layout of the solar farm to exclude this area and continue to farm the Grade 2 land. Officers have considered this argument and conclude that in national, regional, and local terms it is not considered that this development would have an adverse impact on the loss of the 'best and most versatile' land.

Impact on the landscape character/visual amenities of the area

5.24 Policy EH2 of the WOLP also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Policy EH6 outlines that renewable energy developments should be located and designed to minimise any adverse impacts. Officers recognise the relative proximity of the site to the Cotswolds NL, but given the separation distance and intervening topography and landscape features, no impact on the NL is identified.

5.25 Policy EH13 of the WOLP relates to historic landscape character and sets out the matters which particular attention will be paid to in determining applications that affect the historic character of the landscape. These include:

- the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected
- the extent to which key historic features resonant of the area's character, such as hedgerows, watercourses and woodland, will be retained or replicated
- the degree to which the form and layout of the development will respect and build on the preexisting historic character
- the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic character of its surroundings.

5.26 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity

Study refers to the 'Renewable Energy and Low Carbon Energy Assessment and Strategy for West Oxfordshire' prepared by LDA Design in October 2016. This report states that, 'in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals'. The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. Officers note that the site is within the 'More Suitable' area for solar farms.

- 5.27 In terms of landscape character, at a national level, the site lies within the 'Upper Thames Clay Vales' National Character Area (NCA108). The key characteristics of the NCA include its open, gently undulating lowland farmland falling to the Thames, infrequent woodland cover but strong network of hedges and field trees and willow-lined watercourses.
- 5.28 At a county level, the Oxfordshire Wildlife and Landscape Study identifies the Site as lying within the 'Estate Farmlands' Landscape Character Type which is described as a 'rolling agricultural landscape characterised by parklands and a well-ordered pattern of fields and estate plantations'.
- 5.29 The 'West Oxfordshire Landscape Assessment' (1998) ('WOLA') considers landscape character at a district scale placing the Site within the 'Shilton Downs' Landscape Character Area ('LCA'). This LCA forms the divide between the low-lying clay vale to the south and Windrush Valley and limestone uplands to the north. The area has a generally large-scale field pattern dominated by arable farming with sparse vegetation cover. Pockets of woodland are identified with the LCA to the east of Brize Norton, such as that which bounds the western edge of the site. At a finer grain, the site is located within the 'semi-enclosed limestone wolds (large-scale)' Landscape Type. Key features of this Landscape Type include:
- Large-scale, smoothly rolling farmland occupying the limestone plateau and dip-slope;
 - Intensive arable cultivation;
 - Large-scale fields with rectilinear boundaries formed with dry-stone walls and low hawthorn hedges with occasional trees;
 - Some visual containment provided by blocks and belts of woodland creating a semi-enclosed character;
 - Thin, well-drained soils and an impoverished upland character;
 - Elevated and expansive character in higher areas; and
 - Moderate intervisibility
- 5.30 Your officers consider that the application site shares these characteristics as set out in the WOLA. Key threats to landscape character in this area are listed as agricultural intensification, removal of vegetation cover and hedgerows, Brize Norton Airfield and settlement growth. The reintroduction of woodland belts and blocks is supported to restore a mosaic of woodland and farmland and strengthening of the network of hedgerows. The semi-enclosed limestone wolds are visually sensitive and a strong landscape structure is needed to absorb development.
- 5.31 A Landscape and Visual Appraisal ('LVA') is submitted with the application. In terms of impact on landscape character, the LVA concludes that the sensitivity of the site is Medium. The Scheme retains all landscape features, including trees, hedgerows, scrub and permanent grassland which contribute positively to the character of the Site and its wider landscape. All aspects of the development are located on the arable component of the landscape which will be transferred to grassland under the solar PV panels. The overall Magnitude of Change at site level is considered

Small and Adverse during construction but Beneficial in the long term following decommissioning and due to the introduction of what would then be mature vegetation. The Magnitude of Change on the NCA is considered as Negligible Adverse reducing to Negligible Neutral as the vegetation matures. The LVA in para 4.1.12 states that the NCA has Medium Sensitivity giving a Negligible Adverse Effect on the landscape resource and character of the NCA at year 1 reducing to Negligible Neutral once the scheme has established.

- 5.32 In LVA paras 4.1.14 to 4.1.18 overall Magnitude of Change at local landscape level is considered Small and Adverse. The sensitivity of the local landscape is described as Medium. The landscape effects are described as having a Moderate Minor Adverse Effect at Year 1 whereas the longer term Magnitude of Change will reduce to Negligible as a consequence of maturing vegetation resulting in long term effects which are Minor Adverse.
- 5.33 On visual effects, the LVA assesses the significance of the effects at Construction, completion (Year 1) and establishment (i.e. 15 years plus). It states that overall, the extent of views and visual influence of the proposed development is limited to the local area and mostly contained to locations in close proximity to the Site. Other views are considered possible from locations within the wider landscape to the south.
- 5.34 PRoW Ref: 185/11/30 crosses the site and therefore views from this PRoW would experience a large magnitude of change in terms of views across the site and to the wider landscape. LVA Para 4.2.18 notes that the footpath through the site is not well-used due to the lack of connectivity across the A40 and consequently it is assessed as having low sensitivity. This leads the LVA to conclude a moderate adverse affect over the lifetime of the development.
- 5.35 From Caswell Lane to the south of the site (PRoW Ref: 185/14/10), There is a channelled view into the eastern part of the Site at the junction with Witney Road (viewpoints 2 and 3) from which the change at site level would be apparent. The effect is considered Moderate Adverse dropping to Moderate/Minor Adverse on establishment (15 years).
- 5.36 PRoW Ref: 185/10/10 runs west from Caswell Farm allows for open middle-distance views across fields towards the Site beyond intervening hedgerows (viewpoints 4 and 5). The LVA sets out that agricultural fields on rising land within the Site are just visible within the strong framework of its field hedgerows and adjacent woodland which characterise views. The initial effect is categorised as Moderate/Minor Adverse reducing to Negligible Adverse on establishment.
- 5.37 Viewpoints 6, 7, 8 and 8 are taken from PRoW Ref: 143/6/20 (which runs south west towards Abingdon Lane) and Abingdon Lane itself. Mid to long distance views towards the Site across agricultural fields are possible with the A40 on the horizon. Small sections of the solar scheme could be viewed intermittently along these PRoWs and the junction of Abingdon Lane and Witney Road, with the initial effect again categorised as Moderate/Minor Adverse reducing to Negligible Adverse on establishment.
- 5.38 Viewpoints 10, 11 and 12 are taken from PRoW Ref: 143/7/40 which connects from the western end of Abington Lane through Wilbro Farm to Footpath 185/10/10. Partial views of the site would be possible with some wide panoramic views from this Footpath being affected. The LVA states that the initial visual effects would be Moderate/Minor Adverse reducing to Negligible Adverse with screening.
- 5.39 Minor adverse effects are also identified to users of the Witney Road including from middle

distance views near Astrop Farm and Abington Lane to the southwest of the Site (viewpoint 9), users of the A40 and from the edge of Brize Norton to the west (viewpoint 13) with negligible effects identified from Brize Norton Road (viewpoint 14).

- 5.40 Officers have commissioned an independent review ('IR') of the submitted LVA by MCA Landscape. The IR is supportive of the methodology of the LVA and generally endorses its findings with some reservations. These include the sensitivity of walkers on the PRoW crossing the site (which the LVA deems as low) due to the relatively poor connection of the PRoW to the wider landscape caused by the dangerous nature of the A40 crossing. Your officers agree with IR which states: 'footpath users would have at least a medium sensitivity to the solar array in close proximity to the footpath which would obscure the remarkable views southwards over Brize Norton to Faringdon.' Further, the IR states that 'insufficient weight allowed for the rising ground which will expose the solar array in views from the south'.
- 5.41 The IR also states that landscape measures to mitigate the impacts of the proposals, such as woodland screening, gapping up existing hedgerows and extensive tussock and meadow grass areas, would be 'entirely appropriate to the landscape character of the site and its surroundings' and 'does not introduce an incongruous element into the landscape'.
- 5.42 In order to mitigate the visual effects of the proposed development in views from the south west (which the IR and your officers consider would be most affected by the proposal), the IR recommends that the proposed woodland belt along the southern boundary should return northwards along the western site boundary from Witney Road to the existing woodland. This would significantly improve connectivity for wildlife and would reinforce this currently sparsely vegetated boundary with a developing screen which would mitigate exposure of the solar arrays in views from the south-west. Officers endorse this finding noting the landscape enhancement priorities of the WOLA as set out above and the applicant has amended the proposed plans to include this feature which officers consider will further mitigate the visual impact of the proposal in most affected views of the site from the south east at it matures.
- 5.43 Your officers consider that the application has therefore demonstrated that appropriate mitigation measures are included within the scheme and amendments made during the course of the application would address your officers' concerns and provide a locally informed landscape feature. On this basis, whilst the proposal would result in landscape and visual harm and thus conflict in part with Policies EH2 and EH13, the impacts of the scheme would be contained to a site and localised level, and the proposal has sought to minimise and mitigate any adverse impacts in accordance with WOLP Policy EH6.

Impact on heritage assets

- 5.44 The closest listed buildings to the study site are the Grade II* listed Caswell House and associated Grade II listed buildings within the complex. The remaining listed buildings set out above are in excess of 500m from the site. Due to this distance, intervening topography and mature vegetation and lack of historical associations as set out in the submitted Heritage Statement, no impact on the heritage significance of listed buildings at Bushey Ground, Grove Farm or Astrop Farm is identified. As such, this section will focus on the impact of the proposal upon the setting of Caswell House and associated listed buildings.

- 5.45 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 EH11 of the WOLP reflect this duty.

- 5.46 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment and states that in determining applications, LPAs should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states 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.

Main elements contributing to the significance of designated heritage assets

- 5.47 The following principal factors contributing to the significance of the identified designated heritage assets associated with Caswell House/Farm are the high level of historic, aesthetic and evidential significance of Caswell House and farm. The Farmhouse having originated as a medieval moated residence, reflecting the socio-economic importance of its occupiers. From the early C18, the site became economically important as an agricultural entity.
- 5.48 The Farmhouse has a high level of historic, architectural and archaeological importance, exemplifying late medieval construction techniques and architectural features with legible later adaptations. The wider farmstead retains its C17 layout and form, with their high-quality vernacular construction demonstrating the economic importance of the site and evidence of historical agricultural practices. The group value of the Farmstead is therefore also highly significant.

Significance resulting from setting

- 5.49 As set out, the Farmstead largely retains its C17 form and context and occupies an isolated position within an overtly agricultural landscape with which it has historically been closely linked. Its immediate setting is characterised by medieval moat to the south of the Farmhouse as well as numerous earthworks further south and west, likely connected with the lost medieval settlement of Caswell.
- 5.50 The appreciation of these assets from Witney Road is somewhat limited by intervening vegetation, however PPOVs cross the site offering immediate views of the complex, which can be seen in its rural, historic landscape context in which the complex appears as notably isolated and aside from modern agricultural buildings, unspoilt.

Impact of the proposal upon the significance of designated heritage assets

- 5.51 Turning to the impact of the scheme upon the significance of heritage assets associated with Caswell Farm, the site is separated from the immediate setting of the Farmstead by the Witney Road and intervening landform and mature vegetation which significantly inhibit any intervisibility. Further, the applicant has demonstrated that the site has no direct connection in terms of land ownership or function with Caswell. Therefore, whilst the site forms part of the wider rural landscape in which the complex sits, its contribution to the significance of the assets is limited.

Nonetheless, the proposed development would introduce a large urbanising feature into this historical rural landscape, which would be experienced by visitors to Caswell on the approach to the site and therefore to a limited extent, erode its wider setting. Officers therefore consider that the proposal would lead to 'less than substantial harm' to the setting of designated heritage assets associated with Caswell Farm. Officers consider that this harm should be considered to fall towards the lower end of less than substantial harm in the terms of the NPPF and WOLP Policy EH9.

Archaeology

5.52 The site lies in an area with considerable archaeological potential, and has been subject to a geophysical survey and archaeological evaluation prior to the determination of the application. These surveys recorded two foci of activity in the northwest and southeast fields of the development site. The southeast field contains Iron Age - Roman settlement and agricultural features which are focussed on a spring fed well located on the southeast boundary of the site. Human remains were recovered from within this area of activity which could point towards the presence of a possible Roman shrine associated with the well. A low level of Medieval features were also recorded in proximity to the well, which may suggest the location retained its importance into this period. The northwestern field recorded some possibly Roman features, however, this area had poorer preservation than the south east field. Though the erection of solar panels themselves results in limited below ground impacts, the excavation of cable trenches to connect the panels are destructive. The County Archaeologist has therefore stated that the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction as secured via planning conditions.

Heritage balance

5.53 Having identified less than substantial harm to the significance of designated heritage assets, to which great weight must be applied, the balancing exercise set out under Paragraph 215 of the NPPF must be undertaken whereby the public benefits of the scheme are weighed against the heritage harms. In this case, the harm identified is considered to fall towards the lower end of less than substantial in the terms of the NPPF. The public benefits of the scheme are considered to principally result from the low carbon method of energy generation proposed and associated battery infrastructure. Given the scale of the scheme and policy context as outlined above, significant weight should be awarded to this benefit. Significant positive weight should also be awarded to delivery of ecological enhancements in excess of the minimum statutory requirement (as will be covered below). Limited weight should also be awarded to the economic impacts of the scheme during construction. In this case and given the modest level of heritage harm identified, whilst applying great weight to this harm, the public benefits resulting from the scheme are considered to outweigh the heritage harm and this heritage balance falls in favour of the application.

Highway issues

5.54 Your officers have regard to the policies of the WOLP and NPPF with regard to the impact of the proposed development on the highway network. WOLP Policy T2 for example states: 'all development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network.'

5.55 The proposals include a new bellmouth access a short distance to the west of the existing field

gate. Visibility splays have been shown in each direction through the removal of existing hedgerow and vegetation. OCC Transport have confirmed in their consultation response that the proposed access is suitable to serve the proposed development in highway safety terms.

- 5.56 In terms of traffic impact, the nature of the proposal is such that the majority of any impact would be during the construction and decommissioning phases. The application has provided a Construction Traffic Management Plan (CTMP) which forecasts that there will need to be an average of 8 HGV vehicles per day delivering over the anticipated 6-month construction period. The site would be accessed from the A40 via the Downs Road/Witney Road/Main Road junction. OCC Transport consider that vehicle tracking for large vehicles should be provided and the CTMP updated to consider whether traffic management will be required at this junction to allow suitable operation with the anticipated delivery vehicles. Your officers are satisfied that this can be addressed through planning condition as recommended by OCC Transport. The application is therefore considered acceptable in highways terms.

Biodiversity

- 5.57 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.
- 5.58 The application is also subject to statutory Biodiversity Net Gain ('BNG') requirements and proposes a biodiversity unit value increase from 108.79 habitat units up to 196.23 (an 80.38% net gain) and 32.58 hedgerow units up to 49.8 (a 52.85% net gain). The Council's Biodiversity Officer ('BO') has reviewed the submitted BNG information and considers that statutory requirements have been exceeded and the application is acceptable in this regard.
- 5.59 In terms of the impact on protected species, the application is supported by an Ecological Impact Assessment ('EclA') and Skylark Mitigation Strategy ('SMS'). The BO has confirmed that the impacts to protected/priority species can be avoided, mitigated or compensated. A Construction Environmental Management Plan ('CEMP') will be produced which will contain precautionary measures to avoid impacts to reptiles, badgers and other mammals, nesting birds, foraging/commuting bats, the adjacent priority woodland and onsite retained trees/hedgerows. The CEMP can be secured via planning condition.
- 5.60 The EclA confirms that the site is of 'county' level importance to bats as ten species of bat were recorded during bat activity surveys. The existing arable fields themselves are of negligible importance to bats and all of the above key foraging/dispersal routes are to be retained/buffered (15m for key hedgerows listed above, 10m for all other hedgerows and 15m to existing woodland). No artificial lighting is proposed.
- 5.61 In terms of noise, the substation/BESS is located to the south-east corner of the site and will be buffered from the south hedgerow with woodland planting. The south hedgerow is not identified as an important dispersal route for bats in any case, so no significant impacts to bats from noise are anticipated.
- 5.62 Compensation for the loss of nine skylark territories is expected as skylark are a 'priority' species

under section 41 of the Natural Environment and Rural Communities Act 2006. The EclA (6.6) contains a commitment to compensating for the loss of these nine skylark territories via the creation of offsite plots on nearby fields. A SMS has been submitted which identifies six offsite fields where skylark plots can be created which will increase the carrying capacity of the surrounding landscape for skylark. As these measures are off-site, an S106 agreement will be needed to ensure delivery of the offsite skylark measures. The BO has therefore confirmed that the application is acceptable in ecological terms subject to the imposition of conditions as set out in Section 6 and planning obligations as set out below.

Flooding and drainage

5.63 The Applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of the submission. The site falls within Flood Zone 1 and is at low risk of flooding from rivers. The proposals constitute 'Essential Infrastructure' and are appropriate in Flood Zone 1. The site is not considered to be at risk of flooding from fluvial, tidal, groundwater, sewers, reservoirs, or other artificial sources. The risk of flooding from surface water and the network of ordinary watercourses is generally very low across the site with some areas of higher risk on the southern and western boundaries of the site. All vulnerable infrastructure is in areas shown to be at very low risk of surface water flooding. The cessation of intensive agriculture across the site will allow establishment of natural grassland and a commensurate improvement in soil structure. This will reduce runoff rates and volumes, soil erosion and pollution.

5.64 The Local Lead Flood Authority ('LLFA') have been consulted on the application and an updated Flood Risk Assessment and Drainage Strategy has been submitted in response to the initial comments of the LLFA which, whilst not raising objection to the principle of development, required the submission of further information. At the time of writing, the LLFA maintain their objection as the discharge rate has not been shown on the drainage strategy drawing. The applicant and LLFA are working to resolve this one outstanding matter, and a verbal update will be given at the meeting.

Contamination

5.65 As identified in Section 2, the application has drawn objection from the owners of Caswell House partly on the grounds that the proposed BESS facility lies in close proximity to the spring/aquifer from which Caswell House sources its water supply. It is stated that damage to the aquifer from piling and contamination in the event of a fire (and attempts to extinguish it) have the potential to result in impacts on human health.

5.66 The LPA's Environmental Protection Officer ('EPO') has therefore been consulted on the application and a Planning and Drainage Technical Notes prepared to address these specific concerns. The EPO has reviewed the additional information and confirmed that measures to mitigate potential contamination risks from fire water associated with the BESS can be secured via conditions as set out in Section 6. These measures would include siting, all battery units complying with industry fire containment standards, impermeable tanking measures, a dedicated fire water runoff tank, exceedance flow route management and a site-specific Risk Management Plan and Emergency Response Plan to be submitted and approved prior to first export date. Subject to these mitigation measures therefore, the application is considered to provide suitable measures to avoid any adverse impact on third parties in this regard.

Glint and Glare

5.67 A Glint and Glare study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the possible impact upon road safety, residential amenity, and aviation activity with particular regard to any impact on flightpaths associated with RAF Brize Norton. The MOD have been consulted on the application and have raised no objection subject to conditions. No significant impacts are predicted upon road safety, residential amenity, or aviation activity and the application is therefore acceptable in this regard.

Noise

5.68 A Noise Impact Assessment has been submitted in support of the application. The Environmental Health Officer has reviewed this information and has no objection to the application subject to a condition to restrict the permitted noise level above the existing background level at the boundary of the nearest noise sensitive receptor.

Planning obligations

5.69 The BO has calculated that a £10,000 monitoring fee is required to facilitate the monitoring of BNG measures on site. This will be secured via S.106 agreement.

5.70 The S.106 agreement will also secure off-site skylark mitigation measures. This is required as the site of the mitigation proposals is distant from the application site. The S.106 will secure the delivery of the submitted SMS with requirements to ensure that management and remediation details, as well as a timetable for implementation and a monitoring schedule are submitted to and approved by the LPA and then implemented in accordance with those details.

Other matters

5.71 The MOD have raised no objection to the application subject to the imposition of planning conditions to ensure a suitable Construction Management Strategy and Electrical Noise Interference Management Plan are secured via condition.

5.72 Officers note comments received requesting S.106 contributions to improve local pedestrian and cyclist infrastructure. However, given the proposal will not generate any such trips and construction traffic impacts can be adequately managed through condition, such obligations would not meet the tests set out in para. 58 of NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5.73 No adverse impact on the adjacent PRoW network is identified and the OCC PRoW officer will be consulted on a CTMP to ensure pedestrian facilities are protected during construction.

Conclusion and planning balance

5.74 As set out above, the proposed development would harm the character and appearance of the surrounding landscape and result in less than substantial harm to the setting of designated heritage assets. Your officers attach significant weight to these matters whilst acknowledging that the landscape and visual harms would be contained to a site and localised level.

5.75 It is also recognised that the application proposal has sought to minimise and mitigate any adverse

impacts in accordance with WOLP Policy EH6. The resultant impacts on heritage assets would constitute a low level of less than substantial harm, which has been found to be outweighed by the public benefits of the scheme in the initial heritage balance. Therefore, there would be no conflict with heritage-related policies in the development plan or NPPF.

5.76 Conversely, the scheme would result in significant economic, social and environmental benefits through the low carbon method of energy generation proposed, resulting in 30MW of electricity generation capacity. This includes the generation of renewable energy and a consequent reduction in carbon emissions, supporting the county and country in meeting national and local targets on renewable energy and carbon emissions, providing additional employment and ecological enhancements in excess of the minimum statutory requirements. Your officers also recognise that the proposal includes facilities for Battery Energy Storage, which facilitates a time-shift in the consumption of previously generated energy in order to successfully address demand. This also attracts significant positive weight in this balance. These extensive benefits are considered sufficient to outweigh the landscape and heritage harms. Despite partial conflict with the development plan with regard to landscape and visual impact, the proposal is therefore considered to accord with the provisions of the development plan as a whole and the above policy and legislative context with regard to renewable energy development, which provides a material consideration adding weight to the conclusion that the application should be approved. The application is therefore recommended for provisional approval subject to the signing of a S.106 agreement in order to cover BNG monitoring costs and secure off-site skylark mitigation.

6 CONDITIONS

Draft Conditions- 24/03278/FUL Land (E) 431186 (N) 208772, Witney Road, Brize Norton

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.

(N.B. Submitted plans to be listed on DN and reflect changes made on 29.07.2025)

3. The permission hereby granted shall expire 40 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

REASON: In the interests of landscape character and visual amenity to accord with the NPPF.

4. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, supports, inverters, cables, buildings and all associated structures and fencing shall be removed in their entirety and the land shall be restored to its former condition

in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in the interests of landscape character and visual amenity.

5. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in full accordance with the approved DMS and timetable within six months of the expiry of the planning permission.

REASON: In the interests of landscape character and visual amenity to accord with the NPPF.

6. All electrical cabling between the solar panel rows and the on-site connection buildings shall be located underground and the excavated ground shall be reinstated to its former condition.

REASON: In the interests of landscape character and visual amenity.

7. No construction activity shall take place outside the following hours, unless otherwise first agreed in writing by the local planning authority:

- 08:00 to 18:00 on Monday to Friday
- 08:00 to 13:00 on Saturday

No construction activities shall be carried out on Sundays or any Public/Bank Holiday.

REASON: In order to safeguard the living conditions of nearby occupiers.

8. Notwithstanding the details as submitted with the application and prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Fire-resistant housing to battery units;
- b) Built-in detection and suppression systems to battery units;
- c) Spacing distances between battery units;
- d) Two access points for emergency response;
- e) Tanking to BESS compound with impermeable liner designed to prevent ground infiltration of fire water and to ensure all surface runoff flows westward;
- f) A dedicated fire water runoff tank;
- g) Measures to ensure that all fire water is captured and prevented from entering soakaways or local watercourses and captured for quality testing in the event of a fire;
- h) Swales along the southern boundary and site low point to guide flow toward the southwest; and

- i) A site-specific Risk Management Plan and Emergency Response Plan including measures to address fire scenarios and environmental risk mitigation measures required to avoid any impacts to the Caswell House Spring.

The development shall be carried out in accordance with the approved details prior to the first export date.

REASON: In order to avoid pollution to adjacent water sources.

- 9. Prior to the commencement of development, a detailed Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The AMS and TPP shall be adhered to in full during the entire period of construction and shall be consistent with the submitted Arboricultural Impact Assessment dated December 2024 and prepared by Lanpro.

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

- 10. Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed CTMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure safe and suitable access to the site and an acceptable impact on the local highway network in accordance with policy T2 of the West Oxfordshire Local Plan 2031.

- 11. No works shall commence on site other than those required by this condition until the vehicle access and associated visibility splays as shown on submitted drawing AMA-22785-SK-003 P01 have been completed and shall maintained as such for the duration of construction and decommissioning.

REASON: To ensure safe and suitable access to the site in accordance with policy T2 of the Local Plan 2018.

- 12. No development shall take place unless or until such time as a Construction Management Plan has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the Ministry of Defence (MOD). The submitted Construction Management Plan shall include, but not be limited to:

- a) details of any cranes, plant and/or other tall construction equipment to be used either to implement, or in support of the implementation of, the development approved;
- b) a schedule, to include dates and times, for the presence and operation on site of those cranes, plant and/or other tall construction equipment;
- c) details of a liaison protocol through which RAF Brize Norton can be notified of any amendments to that schedule; and
- d) details of obstacle lighting that will be displayed on any crane, plant or tall construction equipment that will be used on site.

The development shall be carried out and managed strictly in accordance with the details approved through discharge of this condition, unless otherwise agreed in writing by the Local Planning Authority, in consultation with MOD.

REASON: In the interests of maintaining aviation safety. To ensure the development accords with the requirements of paragraph 102 of the National Planning Policy Framework (2024).

13. No development shall take place unless or until such time as an Electrical Noise Interference Management Plan (“ENIMP”) has been submitted to and approved in writing by the local planning authority in consultation with the Ministry of Defence (MOD). The submitted ENIMP shall contain, but not be limited to:

- a) manufacturer’s specifications for any generating, and associated, infrastructure to be installed at the site, to include any inverter(s), substation(s), PV panels, and any associated cables (including all interconnecting cables as well as the export cable(s) to the national grid) and connectors; ii)
- b) details of measures designed to prevent electrical noise interference being caused to transmitter/receiver technical installations at RAF Brize Norton;
- c) a schedule setting out how the development will be operated, maintained, and tested throughout its life to ensure that any electrical noise interference on transmitter/receiver technical installations at RAF Brize Norton is prevented; and
- d) a protocol through which the site operator can be notified of electrical noise interference issues or observations, the measures that would be taken to investigate, and a description of the approach to resolving/rectifying/mitigated those impacts.

The development shall be carried out and managed strictly in accordance with the provisions set out in the approved ENIMP for the life of the development. No electrical component or electrical equipment that is not specified within the approved ENIMP shall be installed or operated within the site without the express written consent of the local planning authority in consultation with the MOD.

REASON: In the interests of maintaining the effective operation of national defence infrastructure and to maintain aviation safety. To ensure the development accords with the requirements of paragraph 102 of the National Planning Policy Framework (2024).

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

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance

with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

16. 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:
- a) Risk assessment of potentially damaging construction activities with consideration for the recommendations of the Ecological Impact Assessment (EclA) (BSG, December 2024);
 - b) Identification of 'biodiversity protection zones';
 - c) 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) with specific reference to reptiles, badgers and other terrestrial mammals, nesting birds, foraging and commuting bats, the adjacent priority woodland and onsite retained trees and hedgerows;
 - d) 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);
 - e) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - f) A non-native invasive species protocol;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and
 - j) 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-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, paragraphs 187, 192 and 193 of the NPPF 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.

17. The development shall not commence until a Biodiversity Management and Monitoring Plan (BMMP), prepared in accordance with the approved Biodiversity Gain Plan and the Ecological

Impact Assessment (EcIA) (BSG, December 2024) (as amended by the BNG Report Rev 2 received by the local planning authority on 29.07.2025) associated with the planning application and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the BMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) a 10 year species monitoring schedule for birds, bats and invertebrates as outlined in section 6.10 of the EcIA;

has been submitted to, and approved in writing by, the local planning authority. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved BMMP.

REASON: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990, to protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024) and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. Prior to the commencement of development, a detailed hard and soft landscaping scheme in accordance with the details contained within Mitigation Plan Ref. 1001 P03 and the Concept Design Plan (Rev 07) received by the Local Planning Authority on 29.07.2025 shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the approved landscaping shall be completed by the end of the next available planting season immediately following the first export date and retained in place as approved for the duration of the consent unless otherwise agreed in writing with the local planning authority.

REASON: to secure full details of the proposed landscaping scheme and to ensure that this is in accordance with the Biodiversity Net Gain proposals for the site.

19. No external lighting, whether temporary or permanent, shall be installed on the site unless details are submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and demonstrate that no impacts to bat foraging/commuting activity will result. Important foraging and commuting routes for bats as identified in the Ecological Impact Assessment (EcIA) (BSG, December 2024) are:

- the central north hedgerow (H14 and H5);
- the eastern hedgerow (H2);
- the central east-west hedgerow (H15 and H3); and

- adjacent to the west woodland.

External lighting details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as an ISO lux plan showing light spill demonstrating that the above features are unaffected. The subsequently approved details shall be retained thereafter.

REASON: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c).

- Noise resulting from the use of plant, machinery or equipment hereby approved shall not exceed a rating level of the existing background level when assessed according to British Standard BS4142-2014 (as amended), at the boundary of the nearest noise sensitive receptor. A preliminary assessment of compliance with the condition to be submitted to, and approved by, the Local Planning Authority within six months of the first export date.

REASON: In order to safeguard the living conditions of nearby occupiers.

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

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

Notes to Applicant

- The submitted CTMP should be updated to address the comments above relating to Downs Road and to safely manage users of the PRow around construction vehicles.
- Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

3. The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same structure as the template found here:
<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>
4. All British bat species, otter and dormouse 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 places of shelter (habitat, roosts), whether occupied or not. If a bat, otter or dormouse (or evidence of these species) 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 mitigation licence.

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.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025

WODC
Woodgreen Council Offices
Woodgreen
Witney
Oxfordshire
OX28 1NB
England

1 CONSULTATIONS

WODC Tree Officer No objection to variation of condition 7.

Parish Council Carterton Town Council - Support.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 The application form states that the conditions are to be amended to allow the installation of rooftop solar panels and plant without the arboricultural surveys and landscaping plans, but that these will be provided at a later stage before works that might affect trees commence.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH2 Landscape character

EH6 Decentralised and renewable or low carbon

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

PLANNING ASSESSMENT

Background Information

5.1 This application is made under section 73 of the Town and Country Planning Act (1990) (as amended) for the variation of conditions 6 & 7 of planning permission 23/02420/FUL to allow the wording of the conditions to be changed to allow the installation of the solar panels and plant without submission of the arboricultural surveys and landscaping plans, at Carterton Leisure Centre, Carterton.

5.2 The application is before members for determination because the applicant is West Oxfordshire District Council.

5.3 Planning permission 23/02420/FUL was approved on 23rd November 2023 for a 'de-carbonisation

scheme with the addition of PV panels and plant on the existing roof of the main leisure Centre. New PV car ports in the front car park to all car parking spaces. Creation of 8 No. car parking bays. Erection of a timber enclosure around the battery storage and substation.'

5.4 Condition 6 stated:

'Before the commencement of any site works or operations, an arboricultural method statement to ensure the satisfactory protection during the construction period of existing trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- I. A specification for the pruning of retained trees to prevent accidental damage by construction activities;
- II. A specification of the location, materials and means of construction of temporary protective barriers and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 (2012): "Trees in Relation to Construction", and details of the timing and duration of its erection;
- III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- IV. The means of demolition of any existing structures and of re-instatement of the land they occupy;
- V. A specification for the routeing and means of installation of drainage or other underground services in the vicinity of retained trees;
- VI. Details and the method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
- VII. Details of the materials and method of construction of the roadway, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12: "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway;
- VIII. Provision for the supervision of any works within the root protection areas of trees to be retained and for the monitoring of continuing compliance with the specified protective measures, by an appropriately qualified arboricultural consultant. The development shall be carried out wholly in accordance with the approved arboricultural method statement.

REASON: To ensure the continuity of amenity afforded by existing trees.'

5.5 Condition 7 stated:

'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.'

5.6 The application form states that the conditions are to be amended because the proposed installation of rooftop solar panels and plant will have no impact or effect on the trees on or around the site and will not make any changes to the existing landscape, and they have already been installed. Therefore, the requested surveys/plans will be provided if and when the remaining works take place at a later stage.

5.7 The proposed amended conditions are as follows:

Condition 6 - 'Before the commencement of any site works or operations, with the exception of site works taking place on the roof of the building with relation to the Solar Panel and plant equipment installation, an arboricultural method statement to ensure the satisfactory protection during the construction period of the existing trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority.'

Condition 7 - 'Prior to any development above slab level, with the exception of site works taking place on the roof of the building with relation to the Solar Panel and plant equipment installation, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and the planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority.'

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

- Principle of development
- Impact on amenity and landscape

Principle

5.9 The application seeks planning permission to vary conditions 6 & 7 of the previously approved permission 23/02420/FUL. Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be reconsidered under this application.

5.10 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application, Officers will consider the impact of the proposed changes on amenity and landscape.

5.11 Following this it will also need to be considered if any further conditions need to be attached to any new consent.

Impact on amenity and landscape

5.12 In terms of amenity, provided that no works that disturb the ground take place until an arboricultural method statement has been submitted to and approved by the local planning authority, it is considered that the proposed development would be unlikely to affect existing trees. Therefore, a varied condition 6 to reflect that is considered to be acceptable. The Tree Officer has no objections to the proposed variation of condition 7.

Conditions

5.13 Conditions 2, 3, 4 & 5 are to be reapplied (but renumbered accordingly). Conditions 6 & 7 are to be amended accordingly.

Recommendation

5.15 In conclusion, for the above reasons, the variation of conditions 6 and 7 is considered to be acceptable and the application is recommended for approval, subject to the revised conditions below.

6 CONDITIONS

1 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.

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

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

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

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

4 All Illuminations and floodlighting shall comply with the Institution of Lighting Professionals (ILP); Guidance Note for the reduction of obtrusive light GN01/21 (or later versions).

REASON: In the interest of the amenity of the area and to protect biodiversity

5 No works that disturb the ground (other than on existing buildings) 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. This shall take the form of an

Arboricultural Method Statement. The approved measures shall be kept in place during the 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.

- 6 Prior to any development above slab level, with the exception of site works taking place on the roof of the building with relation to the Solar Panel and plant equipment installation, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and the planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority.

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

Notes to applicant

- 1 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change> .
 - Non-statutory technical standards for sustainable drainage systems (March 2015)
- 3 The applicant is advised that the replacement parking that is proposed adjacent to the vehicular access on the eastern side of the building, as shown in drawing no. CARTQDA-ZZ-XX-DR-A-0011 REV P01, should not be used for disabled parking. Any disabled parking that is lost as a result of this development must be replaced and suitably located within the existing parking area of Carterton Leisure Centre.

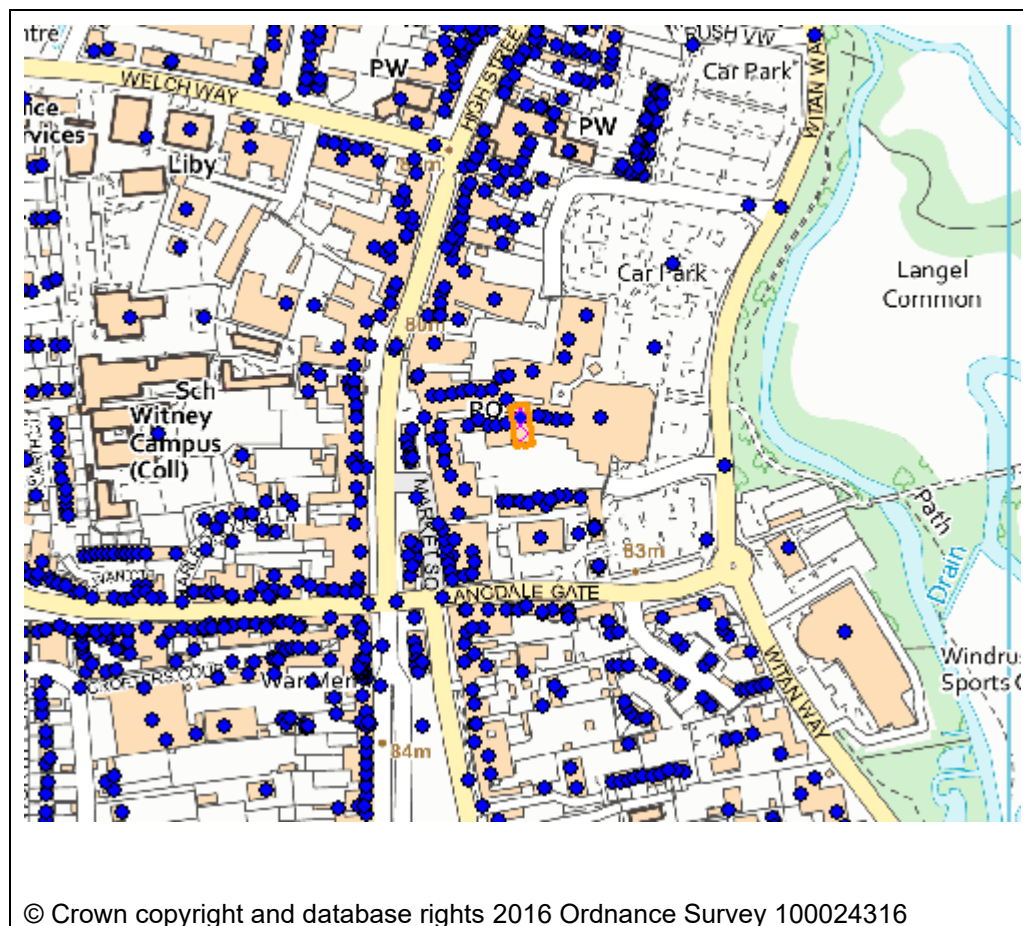
Contact Officer: Clare Anscombe

Telephone Number:

Date: 30th July 2025

Application Number	25/01338/ADV
Site Address	Unit 20 Woolgate Shopping Centre Witney Oxfordshire OX28 6AP
Date	30th July 2025
Officer	George Matthews
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435676 E 209699 N
Committee Date	11th August 2025

Location Map



Application Details:

Re-branding of fascia and hanging signs

Applicant Details:

Miss Marina Alleyne
C/O Agent

I CONSULTATIONS

Parish Council

Witney Town Council has no objections regarding this application.

2 REPRESENTATIONS

2.1 No comments received.

3 APPLICANT'S CASE

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

Located in the heart of Witney town centre, built in traditional Cotswold stone. The centre features a mix of high street brands. The application seeks approval for alterations to the existing signage to the shop front. Changes proposed as part of the re brand to incorporate TG Jones, includes installing heritage aesthetic styled signage.

The existing fascia sign will be kept in situ and wrapped in vinyl, with surface mounted acrylic text to match the existing look. The projection sign main body will be replaced like for like, projection arm and internal support frame will remain in place.

None of the signage will be illuminated. These changes are very much keeping with the character of the area and will have very little impact on the surrounding properties.

Keeping the proposed signage the same size as the existing signage will ensure that no historic features are covered up, and no damage will be done to the building as all fixing will be in the same place as the existing signage. Keeping the proposed signage in the same style as the existing signage and having non-illuminated signage will ensure that it is in keeping with the other buildings in the area.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 The application seeks advertisement consent for the rebranding of fascia and hanging signs at Unit 20, Woolgate Centre, Witney. The application site relates to a retail unit located in Witney town centre. The site lies within the Witney and Cogges Conservation Area.

5.2 The application falls under The Town and Country Planning (Control of Advertisements) (England) Part 1 Regulation 3 which states: A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account A) the provisions of the development plan, so far they are material and B) any other relevant factors. Therefore, the main considerations of this application are the impact of the proposed development on public amenity and impact on the Conservation Area.

5.3 The application is before Members of the sub-committee as the site is on Council owned land.

5.4 Proposed is the rebranding of fascia and hanging signs of the existing WHSmith retail unit to become TGJONES in Witney's Woolgate Centre. The existing curved fascia sign will be wrapped in vinyl alongside surface mounted acrylic with the new branding, being 3325 millimetres in length and 383 millimetres in height. Two existing hanging signs will also be replaced, both replacement signs being 445 millimetres in length and 735 millimetres in height with existing projection arms and support frames remaining in place. All replacement signage will be non-illuminated.

Impact on Public Amenity

5.5 It is important to consider that Section 12 paragraph 141 of the NPPF (2024) states: "The quality and character of places can suffer when advertisements are poorly sited and designed". Linking to this, officers therefore consider Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(135 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

5.6 The proposed signage would be visible on the street scene, however officers consider that the signage is in keeping with the local vicinity, is of modest scale and with no contrastingly striking elements. It has therefore been considered that the proposed signage would not give rise to any adverse impacts in regards to visual amenity.

Impact on the Conservation Area

5.7 Within a Conservation Area, it is also important to take regard of Policy EH10 in the West Oxfordshire Local Plan 2031 which states that any 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. Officers also have regard to the statutory protections afforded to conservation areas under Section 72(1) of the Planning Listed Buildings and Conservation Areas Act 1990. The proposed signage in the proposed location would not affect the public's perception or detrimentally harm the experience of the Conservation Area in this location given its modest nature. In this regard the proposed signage would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Conclusion

5.8 The proposed signage is acceptable in design terms, maintaining levels of amenity within the locality and will not generate any public safety concerns. The proposal accords with the provisions of the NPPF and Policies OS2, OS4, EH9 and EH10 of the West Oxfordshire Local Plan 2031, and the Advertisements Consent regime.

6 CONDITIONS

- I This consent shall operate for a period of five years from the date of this notice.

REASON: By virtue of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 Express consent is granted subject to the standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

REASON: To comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisements must be maintained in a clean, tidy and safe condition and must not obscure road signs or railway.

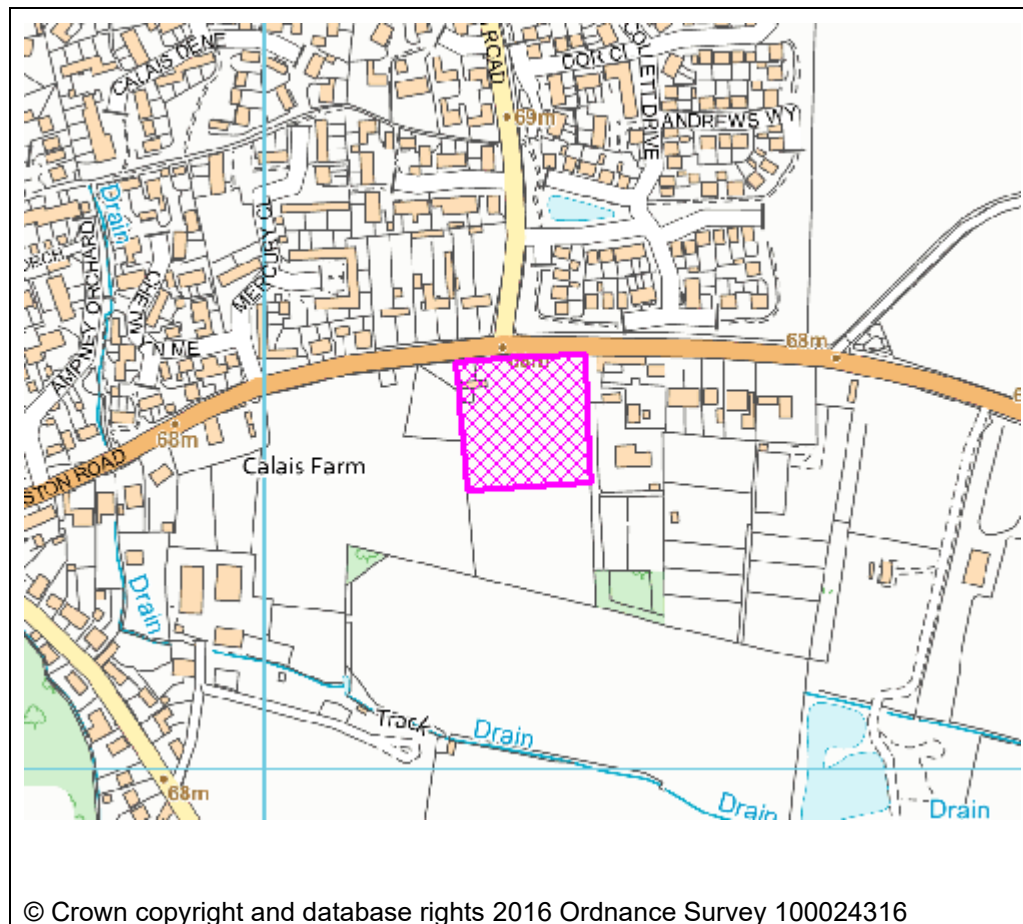
Contact Officer: George Matthews

Telephone Number:

Date: 30th July 2025

Application Number	25/01396/S73
Site Address	Land West Of Colt House Aston Road Bampton Oxfordshire
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432174 E 203201 N
Committee Date	11th August 2025

Location Map



Application Details:

Removal of condition 3 of permission 22/03370/FUL to remove age restrictions

Applicant Details:

Blue Cedar Homes Limited
C/O D2 Planning Limited

Trym House
1 Henbury Road
Westbury On Trym
Bristol
Somerset
BS9 3HQ

I CONSULTATIONS

Parish Council

BAMPTON PARISH COUNCIL OBJECTS to the removal of Condition 3. The Parish Council objected to this development and loss of green space within the village, the site being the subject of previous appeals, and WODC only granted consent on the basis of this Condition.

Cathy Street BAMPTON PARISH COUNCIL OBJECTS to the removal of Condition 3. The Parish Council objected to this development and the loss of green space within the village, the site being the subject of previous planning appeals, and WODC only granted consent on the basis of this Condition.

2 REPRESENTATIONS

2.1 Comments in opposition to the application have been received from two third parties on the following grounds:

- Flood risk;
- Removal of age restriction reduces benefits of the scheme; and
- Precedent for future applications

3 APPLICANT'S CASE

3.1 A Design, Access and Planning Statement has been submitted in support of the application which states:

3.2 The application seeks the removal of Condition 3 attached to application No. 22/03370/FUL for the erection of 6 single storey dwellings (55 years). The permission was granted on 27th April 2023. Condition 3 seeks to restrict the dwellings to:

- People agreed 55 or over
- People living as part of a single household with such a person or persons; and/or
- Who are living as part of single household with such a person or persons at the property who have since died.

3.3 The condition is not required nor is it necessary. The principle of residential development has already been established and would be so without any age restriction. Furthermore, given the current market conditions the applicants are seeking flexibility to ensure that the properties are attractive to a potentially wider market. In addition, funders/lenders are proving difficult to secure funding where such conditions are in place.

3.4 It is therefore requested that the condition be deleted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

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

5 PLANNING ASSESSMENT

5.1 This application relates to Land West Of Colt House Aston Road, Bampton and seeks consent to remove condition 3 of permission 22/03370/FUL to remove age restrictions.

5.2 The site is located on the southern side of Aston Road, directly to the south of the access to Mount Owen Road. The development site is approximately 0.7 hectares in size and is broadly square shaped. The last known use of the land is agricultural. The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself.

5.3 Two single storey ageing buildings are present in the north western corner of the site. They are in poor condition and their removal has been consented.

5.4 The site has an existing vehicular access onto Aston Road. Bampton Conservation Area is located approximately 124m to the west at its nearest point. The development site is wholly within flood zone 1.

Relevant Planning History

22/03370/FUL ('the underlying consent')- Erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure- Approved at this Committee in April 2023.

24/00334/CND- Discharge of condition 18 (CEMP-B) of planning permission 22/03370/FUL. Approved.

23/03070/FUL- Erection of 5 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. Allowed on appeal (PINS ref. 3339317)

24/01471/FUL (land to the south)- Erection of three single storey age restricted dwellings (55 years) with access, landscaping and associated infrastructure. Approved at this Committee in September 2024.

Planning Considerations

5.5 Section 73 of the Town and Country Planning Act 1990 applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The Act states that the Local Planning Authority ('LPA') shall consider only the question of the conditions subject to which planning permission should be granted and may grant consent subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally. If the LPA decides that

planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, permission should be refused.

5.6 An application under Section 73 is therefore an application for planning permission and the decision maker must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The planning impacts of the proposed variations are therefore considered against the adopted West Oxfordshire Local Plan 2031 ("WOLP").

5.7 The regulations set out that the LPA can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Officers will therefore consider whether the planning impacts of the proposed design changes accord with the provisions of the local development plan and relevant material considerations. This assessment will then consider whether the conditions attached to the underlying consent need to be carried forward, if any further conditions need to be attached to any new consent or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, and if so, refuse the application.

Assessment

5.8 The principle of development is established following the approval of the underlying consent and no physical changes to the scheme are proposed. Therefore, taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the proposed design changes would have the potential to give rise to potential impacts regarding the following matters:

- Removal of age restriction

5.9 The condition was imposed in order to secure the benefits of the scheme as originally applied for. Your officers note that the principle of development in the assessment of the underlying application was not contingent on the dwellings being age-restricted as conflict with the spatial strategy of the WOLP was found in any case. The removal of this restriction would temper the benefits of the scheme in that the accommodation would now be unfettered. However, officers note that since the approval of the underlying application, appeal ref. 3339317 (23/03070/FUL) relating to a very similar scheme with one plot removed has been allowed where the inspector found that the development would lead to no harm to the significance of the CA, in contrast to the less than substantial harm found in the assessment of the underlying application. Given the impacts of the 6-dwelling scheme in heritage terms would be akin to the more recent approval for 5 dwellings of the same scale and with a very similar layout, your officers consider it reasonable to conclude that this application would result in no harm to the heritage significance of the CA and therefore the weight to be attributed to the harms arising from the scheme is also significantly reduced. Further, the scheme would continue to deliver bungalows which would add diversity to the housing stock and would remain capable of providing accommodation suitable for persons over the age of 55 and in the period since the approval of the underlying application, the LPA's 5-year housing land supply position has worsened, and therefore the benefits to be attributed to the provision of dwellings has marginally risen. Taking all of these factors into account, your officers are satisfied that the application is, on balance, acceptable.

Conditions

- 5.10 All conditions imposed on the underlying consent should be reapplied other than condition 18 which should be amended to reflect that it has been discharged under LPA Ref. 24/00334/CND.

Recommendation

- 5.11 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS2, H1, H2 and H4, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016. The application is therefore recommended for approval.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref: 22/03370/FUL issued 27th April 2023.

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 approved under application ref. 22/03370/FUL.

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

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

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

- 4 No dwelling shall be erected above ground level until, a schedule of materials (including samples) 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 and shall be retained as such thereafter.

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

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

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

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

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

- 7 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

- 8 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety.

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

REASON: In the interest of road safety.

- 10 Prior to the first occupation of the development hereby approved, details of a new footway together with dropped kerbs along Aston Road adjacent to the proposed vehicular access shall be submitted to the Local Planning Authority for approval. The footway shall be constructed in accordance with the agreed details prior to the first occupation of the development and shall be retained as such thereafter.

REASON: To ensure a safe and adequate access.

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

REASON: Control is needed to protect the character and appearance of the development, the wider area and neighbour amenity.

- 12 Prior to above ground works commencing, details of the air source heat pumps and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details for every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

- 13 The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 Guidance for Sound Insulation and Noise Reduction for Buildings (or later versions).

REASON: In the interests of residential amenity.

- 14 Before the development hereby approved is first occupied, at least one Electric Vehicle charging point shall be installed in each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained as such thereafter.

REASON: In the interests of air quality and to reduce greenhouse gases; and to minimise use of nonrenewable resources and maximise opportunities for travel by sustainable means in accordance with Policy OS3 of the West Oxfordshire Local Plan 2031.

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

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

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

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

- 17 The development shall be carried out in strict accordance with the Construction Environmental Management Plan - Biodiversity (CEMP-B) approved under ref. 24/00334/CND. The approved CEMP-B shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997,

Circular 06/2005, paragraphs 187, 192 and 183 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

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

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

REASON: To ensure that protected and priority species (amphibians, reptiles, badgers and hedgehogs) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 183 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19 Prior to occupation of the dwellings hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, native tree planting, wildflower grassland areas and bird and bat boxes) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To enhance the site for biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

REASON: In the interest of protecting neighbour amenity.

21 No development shall take place until a site investigation of the nature and extent of contamination

has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- 22 No dwelling hereby approved shall be occupied until confirmation has been provided that foul water capacity exists off site to serve the development.

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.

Notes to applicant

- 1 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email roadagreements@oxfordshire.gov.uk
- 2 Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see [Dropped kerbs | Oxfordshire County Council](#)
- 3 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Wall, roof and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames

- Energy efficient appliances and water recycling measures
- Sustainably and locally sourced materials

For further guidance please visit: <https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planningapplication/sustainability-standards-checklist/>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

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

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

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

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

- 5 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes
 - A step-change in sustainable home building practice
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015
 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)
- 6 It is advised to consult with Oxfordshire County Council regarding road signage and traffic calming measures along Aston Road.

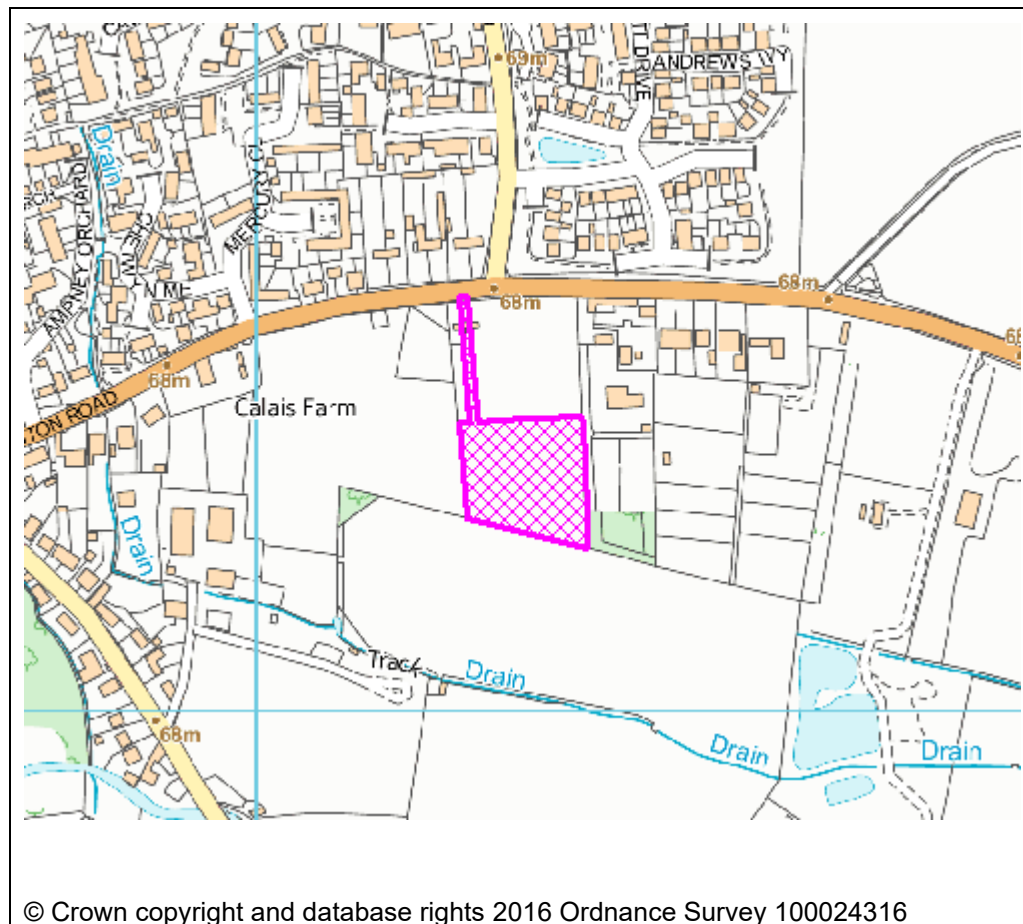
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025

Application Number	25/01397/S73
Site Address	Land West Of Colt House Aston Road Bampton Oxfordshire
Date	30th July 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	432174 E 203201 N
Committee Date	11th August 2025

Location Map



Application Details:

Removal of condition 3 of permission 24/01471/FUL to remove age restriction

Applicant Details:

Blue Cedar Homes Limited
C/O D2 Planning Limited

Trym House
1 Henbury Road
Westbury On Trym
Bristol
Somerset
BS9 3HQ

I CONSULTATIONS

Parish Council

BAMPTON PARISH COUNCIL OBJECTS to the removal of Condition 3. The Parish Council objected to this development due to the loss of green space within the village, the site being the subject of previous appeals, and WODC only granted consent on the basis of this Condition.

2 REPRESENTATIONS

2.1 Comments in opposition to the application have been received from one third party on the following grounds:

- Flood risk;
- Removal of age restriction reduces benefits of the scheme; and
- Precedent for future applications

3 APPLICANT'S CASE

3.1 A Design, Access and Planning Statement has been submitted in support of the application which states:

3.2 The application seeks the removal of Condition 3 attached to application No. 24/01471/FUL for the erection of 3 single storey dwellings (55 years). The permission was granted on 12th September 2024. Condition 3 seeks to restrict the dwellings to:

- People aged 55 or over
- People living as part of a single household with such a person or persons; and/or
- Who are living as part of single household with such a person or persons at the property who have since died.

3.3 The condition is not required nor is it necessary. The principle of residential development has already been established and would be so without any age restriction. Furthermore, given the current market conditions the applicants are seeking flexibility to ensure that the properties are attractive to a potentially wider market. In addition, funders/lenders are proving difficult to secure funding where such conditions are in place.

3.4 It is therefore requested that the condition be deleted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
H1NEW Amount and distribution of housing

H2NEW Delivery of new homes
H4NEW Type and mix of new homes

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

5 PLANNING ASSESSMENT

- 5.1 This application relates to Land West Of Colt House Aston Road, Bampton and seeks consent to remove condition 3 of permission 24/01471/FUL to remove age restriction.
- 5.2 The site is located on the southern side of Aston Road, and broadly forms the southern half of a wider land parcel, the northern portion of which benefits from extant planning consents as set out below.
- 5.3 The site is bounded on most sides by hedgerow, trees and vegetation. Sporadic fencing is also present around the site. No trees are present within the site itself. Two single storey buildings are present along the route of the proposed access, their removal has already been consented.
- 5.4 The site is located approximately 130m at its nearest point from the Bampton Conservation Area ('CA'), which lies to the west.
- 5.5 As of March 2025, the updated Environment Agency flood risk mapping places the site wholly within Flood Zone 1.

Relevant Planning History

24/01471/FUL ('the underlying consent')- Erection of three single storey age restricted dwellings (55 years) with access, landscaping and associated infrastructure. Approved at this Committee in September 2024.

22/03370/FUL (land to the north)- Erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure- Approved at this Committee in April 2023.

23/03070/FUL (land to the north)- Erection of 5 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. Allowed on appeal (PINS ref. 3339317)

Planning Considerations

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

- 5.7 An application under Section 73 is therefore an application for planning permission and the decision

maker must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The planning impacts of the proposed variations are therefore considered against the adopted West Oxfordshire Local Plan 2031 ('WOLP').

- 5.8 The regulations set out that the LPA can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Officers will therefore consider whether the planning impacts of the proposed design changes accord with the provisions of the local development plan and relevant material considerations. This assessment will then consider whether the conditions attached to the underlying consent need to be carried forward, if any further conditions need to be attached to any new consent or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, and if so, refuse the application.

Assessment

- 5.9 The principle of development is established following the approval of the underlying consent and no physical changes to the scheme are proposed. Therefore, taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the proposed design changes would have the potential to give rise to potential impacts regarding the following matters:

- Removal of age restriction

- 5.10 The condition was imposed in order to secure the benefits of the scheme as originally applied for. Your officers note that the principle of development in the assessment of the underlying application was not contingent on the dwellings being age-restricted as conflict with the spatial strategy of the WOLP was found in any case. The removal of this restriction would temper the benefits of the scheme in that the accommodation would now be unfettered. However, given that the site is located in close proximity to the rural service centre of Bampton with a high degree of accessibility to local services and the presence of an extent consent for residential development on land to the north within the same parcel and the lack of harms found in the consideration of the underlying application with regard to heritage and landscape, your officers consider that the removal of the age restriction would not tip the planning balance in favour of refusal. Further, the scheme would continue to deliver bungalows which would add diversity to the housing stock and would remain capable of providing accommodation suitable for persons over the age of 55. In the period since the approval of the underlying application, the LPA's 5-year housing land supply position has also worsened, and therefore the benefits to be attributed to the provision of dwellings has marginally risen. Taking all of these factors into account, your officers are satisfied that the application is, on balance, acceptable.

Conditions

- 5.11 All conditions imposed on the underlying consent should be reapplied as none have been discharged or altered.

Recommendation

5.12 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS2, H1, H2 and H4, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016. The application is therefore recommended for approval.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref: 24/01471/FUL issued 12th September 2024.

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 plans approved under ref. 24/01471/FUL.

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

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

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

- 4 No dwelling shall be erected above ground level 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 and shall be retained as such thereafter.

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

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

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

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

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

- 7 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development (including windows/doors) permitted under Schedule 2, Part I, Class AA shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the development, the wider area.

- 9 Prior to above ground works commencing, details of the air source heat pumps and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details for every dwelling prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of energy efficiency.

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

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

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

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

- 12 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

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

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

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- 13 The development shall be completed in strict accordance with the following documents and drawings, incorporating details of Biodiversity Net Gain, biodiversity mitigation and enhancements, as submitted with the planning application:
- i. Sections 7 and 8 and Appendix B (landscape layout plan) of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting;
 - ii. Ecology Plan drawing no. 240102 L 010 dated April 2024 prepared by Marks Timms Architect;
 - iii. BNG Baseline Plan dated 12/06/2024 produced by Malford Environmental Consulting;
 - iv. BNG Proposed Plan dated 12/06/2024 produced by Malford Environmental Consulting; and
 - v. Rendered Context Plan 240102 L 004 Rev A dated May 2024 prepared by Mark Timms Architect.

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.

- 14 Notwithstanding the submitted details and prior to above ground works, a scheme for hard and soft landscaping of the site shall be submitted to and approved by the Local Planning Authority. The scheme shall incorporate the Biodiversity Net Gain Proposed Habitats as described in Section 8 and Appendix B of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting and shall include, but not be limited to:
- i. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Management Plan;

- ii. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate;
- iii. A landscaping implementation phasing plan, where appropriate;
- iv. Detailed planting and sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control; and
- v. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials and openings.

Development shall be carried out in accordance with the approved 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 / first occupation, whichever is the earliest.

REASON: To provide adequate landscaping details for the proposed Biodiversity Net Gain habitats in accordance with Local Plan Policy EH3.

- 15 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 delivery of the approved landscaping scheme and Biodiversity Net Gain proposed habitats.

- 16 Before occupation of the development hereby approved, a 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not limited to the following:
- i. Description and evaluation of features/habitats to be managed;
 - ii. Landscape and ecological trends and constraints on site that might influence management and potential remedial measures that could be implemented (adaptive management);
 - iii. Aims and objectives of management (including those related to species);
 - iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
 - v. Detailed prescriptions for management actions;
 - vi. Preparation of a work schedule (including 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 a detailed monitoring strategy for the 30-year period;
 - x. Timeframe for reviewing the plan; and
 - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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 Net Gain

objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: to secure the 30-year management and maintenance of the Biodiversity Net Gain proposed habitats in line with the statutory BNG requirements.

- 17 Biodiversity Monitoring Reports shall be submitted to and approved in writing by the Local Planning Authority for each of the first 5 years following completion of the development hereby approved and thereafter every 5 years (quinquennially) up to the end of the 30-year period to provide full details of the implementation of the Biodiversity Net Gain proposals in line with (and as modified by) the Biodiversity Gain Plan, and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be submitted to and approved in writing by the Local Planning Authority. A final 30-year Biodiversity Audit Report shall be submitted to the LPA for approval no later than 12 months following the end of the agreed 30-year period.

REASON: to ensure the effective delivery of the Biodiversity Net Gain outcome.

Notes to applicant

- I Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Oxfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

- 2 The LEMP required by condition could follow the same format of the Habitat Management and Monitoring Plan template found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

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

The application site lies within the red impact zone as per the modelled district licence map, which indicates that there is suitable habitat for great crested newts within the area surrounding the application site. Although there is a low risk for this species within the application site, 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.

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.

For information on hedgehog gaps/holes in fences and walls, please visit <https://www.hedgehogstreet.org/help/hedgehogs/link-yourgarden/>

- 3 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015))
- 4 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email

roadagreements@oxfordshire.gov.uk

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

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 30th July 2025