

Division Affected – Eynsham

PLANNING AND REGULATION COMMITTEE

6th June 2022

Construction of a single storey dwelling for use as a Children’s Home with associated external works to form a new access on to Back Lane, associated landscaping, boundary treatment and car parking.

Report by Director for Planning, Environment and Climate Change

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Land at Home Farm, Back Lane, Aston, Bampton, OX18 2DQ

OCC Application No: R3.0149/21
WODC Application No: 21/04027/CM

District Council Area: West Oxfordshire District Council

Applicant: Oxfordshire County Council

Application Received: 3rd December 2021

Consultation Period: 30th December 2021 – 31st January 2022
10th April – 12th May 2022

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PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The application site is within the village of Aston, in West Oxfordshire. It is in the north west of the village, located off Back Lane which connects North Street which runs north from the village centre, and Bampton Road (B4449) which runs west.
2. The application site lies 300 metres from the centre of Aston, 1.8 km (1 mile) east of Bampton and 7.2 km (4.5 miles) south of Witney.

Site and Setting

3. The application site is currently a grassed paddock with a gated access from Back Lane. It covers 0.2 hectare.
4. The site lies entirely within Aston Conservation Area. The nearest listed buildings are a cluster of Grade II listed buildings over 100 metres south east of the site comprising West End Cottage, Westerleigh and West End Farmhouse, at the southern end of Back Lane. Thatched Cottage Grade II listed building lies on North Street, to the east of the application site across fields. It is also within an area of known archaeological interest.
5. There are no public rights of way in close proximity to the site. The site is entirely in flood zone 1, the area of least flood risk.
6. The closest residential properties are Home Farm Cottages, which lie immediately south west of the site on the same side of Back Lane. In other directions the application site is immediately surrounded by fields, although there is further low-density residential development beyond.
7. The site is not near any sites designated for nature conservation, the closest being Chimney Meadows National Nature Reserve and SSSI, approximately 3 km to the south east.

Details of Proposed Development

Original scheme

8. It is proposed to construct a new single storey dwelling to be used as a children's home. It would provide supported accommodation for four children of secondary school age (between 12-17 years). Two members of staff would stay on site overnight and so the proposal is for a six-bed property.
9. The proposals also include the removal of a section of hedge on Back Lane to create a new access, creation of a garden area and a car park providing six spaces for visitors including professionals and family members. There would be one disability space and space to park six cycles.
10. The application sets out that a new children's home is needed due to the closure of a former home at Maltfield House, to reduce out of county placements and accommodate cared-for children closer to their homes. It states that a quiet semi-rural location is needed for children who would benefit from living in a more rural area.
11. The building is single storey with an L-shaped footprint covering 336 square metres pitched roof and gable ends. It would be constructed of re-constituted stone and heat-treated natural timber cladding with light grey UPVC fascia and soffits, fibre cement roof in slate grey, light green aluminium frame doors with glass panes, and light grey powder coated aluminium framed windows with glass panes.
12. The building would be 7.2 metres high to the ridge and 3.1 metres to the eaves. At the widest point it would measure 26 metres by 17 metres.
13. It is proposed to connect the development to mains sewerage.
14. The building would include bedrooms, meeting rooms, offices, kitchen and open plan living areas.
15. External areas to the south west of the building include a South Garden which would include a wildflower grassland incorporating a patio and seating area with access from the building, areas of native scrub planting, and a mound formed from excavated soil. There would also be a bicycle shed, drainage features and car park. To the north east of the building there would be further paved areas with accesses from the building with a species rich lawn beyond. In the east of the site there would also be a basket hoop pitch, allotment and shed.

16. Bird and bat boxes have been incorporated into the design along with a bee log and hedgehog house.
17. The field access would be retained in between the existing adjacent residential property and the proposed new access. There would be a separate pedestrian access to the north east of the proposed new vehicular access.
18. External lighting is proposed, and a surface water drainage strategy has been submitted.
19. The application confirms that the building has been designed to be as accessible and practical for all users as possible. Provision for disabled access across the site has been considered and facilitated. External routes to the building would be ramped and a suitable width for wheelchair access.
20. Boundary treatments include native hedgerows, post and rail fencing facing the fields and close board fencing facing Back Lane.

Amended Scheme

21. Amended drawings were submitted in April 2022, following an objection from the District Council to the original proposal. Rooflights were removed, the solar panel array was re-arranged, and a pitched canopy was added to the porch of the door. The basketball pitch was removed, and stone pillars are proposed for either side of the driveway, to reflect other properties in the village.

PART 2 – OTHER VIEWPOINTS

22. Public consultation on the proposals ran between 30th December 2021 – 31st January 2022. The full text of the consultation responses can be seen on the e-planning website¹, using the reference R3.0149/21. These are also summarised in Annex 1 to this report.

¹Click here to view application [R3.0149/21](#)

23. 1.2 metre high fencing was originally proposed either side of the property facing Back Lane, however this was amended to 1.8 metre high fencing in response to the consultation comments from Thames Valley Police.
24. Two third party representations were received during the consultation, objecting to the proposals. These concerns are summarised and addressed in Annex 2.
25. A second consultation was held in April 2022 after amended plans were submitted. These included modifications to design details, including landscaping and boundary treatments, a revised Design and Access Statement, further details of the site selection process and a Briefing Note on impact on heritage.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant planning documents and legislation (see Policy Annex to the committee papers)

26. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

27. The Development Plan for this area of relevance to this application comprises:
 - West Oxfordshire Local Plan 2031 (WOLP)

Other Policy Documents

28. The **National Planning Policy Framework** (NPPF) is a material consideration in taking planning decisions. Paragraph 95 states that LPAs should give great weight to the need to create, expand or alter schools through decisions on applications and work with school promoters to identify and resolve key planning issues prior to submission of applications.
29. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including flood risk, conserving and enhancing the historic environment, determining a planning application and the natural environment. This includes the Government's **National Design Guide** (January 2021) which sets out the characteristics of well-designed places and demonstrates what good design means in practice.

30. The **West Oxfordshire District Council Design Guide** Supplementary Planning Document (SPD) (2016) is a material consideration. It provides technical details and guiding principles used to assess schemes within West Oxfordshire.

Relevant Development Plan Policies

31. The WOLP policies most relevant to this development are:

- OS1 Presumption in Favour of Sustainable Development
- OS2 Locating Development in the Right Places
- OS3 Prudent use of Natural Resources
- OS4 High Quality Design
- H2 Delivery of New Homes
- H4 Type and Mix of New Homes
- T1 Sustainable Transport
- T3 Public Transport, Walking, Cycling
- T4 Parking Provision
- EH2 Landscape Character
- EH3 Biodiversity
- EH6 Renewable Energy / Low Carbon
- EH7 Flood Risk
- EH8 Environmental Protection
- EH9 Historic Environment
- EH10 Conservation Areas
- EH11 Listed Buildings
- EH13 Historic Landscape Character

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Director for Planning, Environment and Climate Change

32. The NPPF sets out a presumption in favour of sustainable development (paragraph 11), which is supported by WOLP policy OS1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.

33. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
34. The key planning issues are:
- i. Location
 - ii. Design
 - iii. Heritage
 - iv. Amenity, noise and air quality
 - v. Transport
 - vi. Biodiversity
 - vii. Drainage and Flooding
 - viii. Carbon Emissions, Natural Resources and Waste

Location

35. Aston is listed as a village under the provisions of WOLP policy OS2, which states that development in villages will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. As set out below, WODC have raised concerns that this proposal does not respect the character of the area.
36. WOLP policy H2 states new dwellings will only be permitted in such villages where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. The applicant has stated that a quiet semi-rural location is required for children who would benefit from living in such a location. Details have been provided of other sites which were considered and found to be unsuitable. It is accepted that there is a strong need for the development. Overall, the proposal is considered to be in accordance with this policy due to the need for the development and the specific requirements for this particular children's home.
37. WOLP policy H4 states that all residential developments will be required to provide or contribute towards the provision of a good, balanced mix of property types and sizes. This policy lends some support to the proposal, which would provide specialist accommodation which is required within the County.

Design

38. WOLP policy OS2 states that all development should be of a proportionate and appropriate scale to its context and form a logical complement to the existing scale and pattern of development and the character of the area.
39. WOLP policy OS4 states that high quality design is the central strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.
40. WOLP policy EH2 states that new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures.
41. WODC have objected and raised specific concerns about the original design, including the institutional appearance, monotonous elevations and untidy roofscape. They consider the design and untraditional form of the development fails to accord with advice set out in the West Oxfordshire Design Guide. In response, the applicant revised the proposals to remove rooflights, re-arrange solar panels and add a pitched canopy to the door and stone pillars to the driveway. The basketball court was removed to reduce the urbanising influence. At the time of writing this report, WODC had not responded to the consultation on the revised proposals, however the changes were intended to address their initial concerns and in my view the revised proposals offer an improved design.
42. Thames Valley Police originally objected to the design due to the proposed building security and boundary treatments. However, upon receipt of further information about the purpose of the development and an amendment to the height of an area of fencing, the objection was removed. They have recommended a condition for the details of lighting and CCTV, which should be attached to any permission granted. Subject to this, the design is acceptable in terms of crime prevention and safety.

43. Overall, the design of the proposed building is not fully in accordance with WOLP policies EH2, OS2 and OS4 as it does not complement or enhance the existing character or represent high quality design.
44. The minor amendments to the building design are considered to improve the design. Although the development is not fully in accordance with the policies relating to design, it is not considered to significantly conflict with them either. Notwithstanding the specialist advice from the District officers, I consider that there are already a range of building designs within the Aston Conservation Area and whilst the proposed building is functional, efforts have been made to ensure the design is compatible with the surrounding character. In my view the proposed building does not represent unacceptably poor design, such that it should be refused, particularly in view of the strong need for the development.

Heritage

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 while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
46. Paragraph 199 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation.
47. WOLP policy OS2 states that development should conserve and enhance the historic and built environment.
48. WOLP policy EH9 states that all development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of the historic environment, including the significance of heritage assets, in a manner appropriate to their historic character and significance. Great weight and importance will be given to the special historic interest, character or appearance of Conservation Areas and their settings. Proposals which would harm the significance of a designated asset will not be approved,

unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.

49. WOLP policy EH10 states that development in a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting, provided that the location, form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic or architectural interest, character and appearance of the Conservation Area, and the proposals are sympathetic to important green spaces such as paddocks and other gaps or spaces between buildings and the historic street pattern.
50. WOLP policy EH11 relates to development which would affect the setting of a listed building; however, this is not considered directly relevant to these proposals due to the distance between the site and the closest listed buildings.
51. WOLP policy EH13 states that in determining applications that affect the historic character of the landscape or townscape, particular attention will be paid to the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected, the degree to which the form and layout of the development will respect and build on the pre-existing historic character and 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.
52. Historic England responded but did not provide specific comments on the application. There has been an objection on heritage grounds from the District Council.
53. The existing dwellings on Back Lane are dispersed and the area has a rural character. The Conservation Area boundary includes open fields beyond the settlement limits because of the contribution of these open spaces to the rural character in this part of Aston.

54. WODC have objected to the application and have stated that it would have an adverse, urbanising impact on the rural character. The Conservation Officer has noted the importance of the paddock in bringing agricultural qualities into the settlement and providing an important separation between Back Lane and North Street. The proposals conflict with the requirement of WOLP policy EH10 that development in the conservation area must conserve or enhance the special interest and be sympathetic to important green spaces.
55. A Heritage Assessment has been submitted to support the application. This assesses various impacts and the level of residual risk following mitigation. Most impacts are assessed as low, though there are a number of moderate impacts and the impact of the infilling of the pasture and loss of the historic pattern of landuse is assessed as moderate-high and it is noted that no mitigation is possible. Overall, the report concludes that the level of harm would be less than substantial. Although there clearly would be harm to the conservation area, the Planning Practice Guidance states that substantial harm is a high test, so it may not arise in many cases. Case law (Bedford Borough Council and the SoS for Communities and Local Government and Nuon UK Ltd) indicates that substantial harm requires such a serious impact on the significance of a heritage asset that its significance is lost or very much reduced. Therefore, I concur that the harm would be less than substantial. I believe that this is consistent with WODC decisions on similar proposals within the conservation area.
56. NPPF paragraph 202 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. The development would bring significant public benefit, through the provision of appropriate accommodation for 12-18 years old children within Oxfordshire. Additional information submitted to support the application states that 8 sites were shortlisted, however the other 7 sites were discounted following consideration of their physical characteristics and Ofsted's criteria.
57. The most severe impacts to the Conservation Area would be to the field, however most of the field would remain undeveloped and it would continue to provide a rural backdrop to buildings in this part of the village. The Conservation Area contains a range of dwelling types, forms and materials and extends across the whole village. Overall, the harm to the Conservation Area as a whole is considered to be outweighed by the significant public benefit of the scheme.

58. Development which would harm the significance of a designated asset can be approved in certain circumstances as set out in WOLP policy EH9. This requires a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.
59. There is strong protection for conservation areas in law, in the NPPF and in local plan policies. This proposal fails to preserve or enhance the Conservation Area and great weight needs to be given to this. However, it would provide public benefits and the information submitted with the application has shown that there are only limited other possible sites and a strong need for the development. The Site Selection documentation submitted with the application details multiple problems for each of the potential alternative sites. These include locations on hazardous roads, lack of public transport, current use as allotments and leases with long termination periods. The overall finding, that the other sites do not offer a suitable alternative, is accepted.
60. Given that the harm to the Conservation Area is considered to be less than substantial and that it has been demonstrated that there is a strong need for the development and no alternative site is currently available, the public benefits of the proposal are considered to outweigh the harm, as required by WOLP policy EH9.
61. There is some conflict with WOLP policies OS2, EH10 and EH13 due to the harm to the Conservation Area. However, it is considered that these conflicts are overridden by the need for the development and the lack of a suitable alternative site.

Archaeology

62. An archaeological evaluation has been carried out which has confirmed that archaeological deposits related to the medieval development of Aston survive on the site and would be disturbed by this proposed development. The Lead Archaeologist has confirmed that the features are not of such significance that physical preservation is needed, however there should be a programme of archaeological mitigation to record them. Therefore, subject to conditions to secure this, the development is acceptable in terms of impact on archaeological remains.

Amenity, noise and air quality

63. NPPF paragraph 180 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity and nature conservation.
64. WOLP policy OS2 states that all development should be compatible with adjoining uses and not have a harmful effect on the amenity of existing occupants.
65. WOLP policy EH8 states that new development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance and that the installation of external lighting on new buildings will only be permitted where this would not result in excessive levels of light, the elevations of buildings are designed to limit light spill and the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.
66. A neighbour has raised concerns about potential impacts from external lighting and has requested that at night it should be sensor controlled. Thames Valley Police have stated that they would like to see dusk to dawn switched lighting. It is recommended that a condition is added to any permission granted for a detailed external lighting scheme showing the locations and specifications of proposed external lighting to be submitted for approval. This will ensure that the external lighting is not excessive and the security needs can be balanced with the need to limit light spill in this semi-rural area.
67. The neighbour has also suggested amendments to the planting mix for the western boundary to allow for better winter screening to protect privacy. This could also be addressed by a planning condition.
68. The Environmental Health Officer has confirmed that there would be minimal permanent noise impacts on the locality as staff would be on site overnight and due to the distance between the proposed dwelling and existing

dwellings. They have requested a condition for a Construction Management Plan to ensure that noise disturbance during land clearance and construction is minimised. Such a condition should be added to any consent granted. This could also address the request from a local resident that no construction takes place at the weekend.

69. Subject to conditions, the development is considered to be acceptable in terms of policies protecting neighbouring amenity, including WOLP policy OS2 and EH8. It is considered unlikely to cause significant impacts in terms of noise or light pollution.

Transport

70. NPPF paragraph 113 states that all development that generates a significant amount of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 111 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
71. WOLP policy OS2 states that all development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.
72. WOLP policy T1 states that priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised.
73. WOLP policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport.
74. WOLP policy T4 states that parking in new developments will be provided in accordance with the County Council's adopted parking standards.
75. There has been no objection from Transport Development Control. They consider that the proposed vehicular access arrangements are suitable. A Section 278 agreement would be needed for the creation of the new access and widening of the carriageway and conditions are requested to secure the visibility splays on the new access, the parking area to be provided and a

Construction Traffic Management Plan. The pedestrian access is considered acceptable. They have no objection to the proposed car park.

76. The Travel Plans team have requested a condition for a travel plan statement, ensure that children and staff are aware of sustainable and active travel modes and actively encouraged to use these.
77. Back Lane is narrow and there is no pavement to allow pedestrians to walk off the carriageway. However, vehicle speeds are low and risks to pedestrians are considered minimal. There is a bus service from Aston to Witney and Carterton and a school coach taking children from the village to school in Witney. Overall, it is considered that the location of the development is acceptable in terms of access to services and public transport, walking and cycling opportunities.
78. The development is in accordance with transport policies including WOLP policies OS2, T1, T3 and T4.

Biodiversity

79. NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
80. NPPF paragraph 170 states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
81. WOLP policy EH3 states that biodiversity shall be protected and enhanced to achieve an overall net gain in biodiversity.
82. It is proposed to achieve biodiversity net gain through the implementation of the Landscape Masterplan, which includes provision for bat and bird boxes, a hedgehog house, a bee log, a nettle stand to encourage butterflies, a logger for invertebrates and planting of hedgerows, scrub, shrubs and species enriched lawn. Therefore, a condition should be added to ensure

that the Landscape Masterplan is implemented as approved including the biodiversity measures.

83. The OCC Protected Species Officer has confirmed that the development would have no impact on protected species or habitats.
84. Subject to the condition to secure the implementation of the biodiversity enhancements shown on the Landscape Masterplan, the proposal is considered to be in accordance with WOLP policy EH3.

Drainage and Flooding

85. WOLP policy OS2 states that development should not be at risk of flooding or likely to increase the risk of flooding elsewhere.
86. WOLP policy EH7 states that all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal.
87. The site is in the area of least flood risk and drainage details have been submitted with the application. There is no objection from the Lead Local Flood Authority.
88. The Parish Council have asked for a condition that the development has a septic tank. However, this is not considered necessary as Thames Water have no objection to the proposal for the development to be connected to the mains sewerage system.
89. The development is considered to be in accordance with WOLP policies OS2 and EH7 and acceptable in terms of drainage and flooding.

Carbon Emissions, Natural Resources and Waste

90. WOLP policy OS3 states that all development proposals should show consideration of the efficient and prudent use of natural resources including

making efficient use of land and buildings, delivering development which reduces the need to travel, minimising use of non-renewal resources, maximising resource efficiency, making use of sustainable drainage systems and using recycled and energy efficient materials.

91. A Sustainability Statement was submitted as part of the Design and Access Statement. This lists the design measures which have been incorporated to ensure the building is more energy efficient than the minimum statutory requirements. The measures listed include, amongst other things, natural ventilation, solar panels on the roof, shading for south facing windows, insulation, low water toilets and taps, an air source heat pump. The design is considered to comply with WOLP policy OS3.
92. WOLP policy EH6 states that in principle, renewable and low-carbon energy developments will be supported. This supports the proposed provision of solar panels on the roof of the building, although the concerns about the appearance of these must also be considered.
93. Overall, the proposal is considered to be in accordance with policies relating to natural resources, carbon emissions and waste. The design incorporates measures to ensure that the building is energy efficient and sustainable.

Sustainable Development

94. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF and paragraph 11 sets out that for decision taking this means approving development proposals that accord with the development plan without delay.
95. The proposal accords with many development plan policies. The development plan policies are less supportive in terms of design and impact on the historic environment. However, overall, the development is considered to be sustainable development according with the development plan.

Financial Implications

95. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

96. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

97. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

98. The proposals comply with development plan policies relating to amenity, transport, biodiversity, drainage and natural resources.

99. The development plan policies promoting good design and protecting the historic environment are less supportive. However, given the strong need for the development and the lack of a suitable alternative site, the public benefits of the development are considered to outweigh the harm, in accordance with WOLP policy EH9.

RECOMMENDATION

It is RECOMMENDED that planning permission for R3.0149/21 be approved, subject to conditions to be determined by the Director for Planning, Environment and Climate Change to include those set out in Annex 1.

Rachel Wileman

Director for Planning, Environment and Climate Change

Annexes:

Annex 1: Consultation Responses

Annex 2: Representations

Annex 3: Conditions

Annex 4: European Protected Species

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case further information was requested in relation to site selection and amendments were made to the fencing details in response to the comments from Thames Valley Police and to the design following comments from WODC.

Annex 1 – Consultation Responses Summary

West Oxfordshire District Council – Planning

Consultation on revised plans

1. No response received at time of writing report.

Initial Consultation

2. Object. The proposal remains virtually unchanged despite concerns raised during pre-application discussions. On green field sites such as this outside the built-up area, new dwellings will only be permitted where there is an essential operational or other specific local need. The conservation area boundary extends beyond the settlement limits because of the importance of these open spaces and their contribution to the rural character of the settlement. The development would fail to complement the existing pattern of development and would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character. The design and untraditional form of the development is also of concern and does not comply with the West Oxfordshire Design Guide.
3. Conservation Officer comments - The paddock makes an important contribution to the rural character of the Conservation Area, bringing agricultural qualities into the settlement, and amongst the buildings. It also provides an important separation between the buildings along Back Lane and North Street, where development remains somewhat sparse. Any development here is likely to be problematic, inevitably tending to bring a more urban quality. The design doesn't redeem the proposal. We are presented with a building of large footprint, set somewhat away from Back Lane, with a sizeable area of car parking and a sizeable area of garden and a games pitch – all very urbanising. And the building is of single-storey, low-pitched, deep-plan form, decidedly institutional, with fairly monotonous elevations. The roofscape is untidy too, with an uncoordinated rash of rooflights, and with a similarly uncoordinated spread of PV panels, cut away around a rooflight – and all appearing somewhat arbitrary.

West Oxfordshire District Council – Environmental Protection

4. Contaminated Land – No objection but suggest a condition requiring any contamination found to be reported and remediation provided if necessary.
5. Response to amended plans - Suggest it would be prudent to seek the applicant's confirmation whether the amendments to the layout affect the conclusions of the risk assessment.

6. Noise – No objection. Although there will be some temporary noise disturbance during construction, permanent noise impacts on the locality would be minimal as staff would be on site overnight and due to the distance between the development and existing residents. Suggest a condition for a Construction Management Plan to include measures to minimise construction noise and set out hours of working.

Aston, Cote, Shifford and Chimney Parish Council

7. No objection, but would like to raise concerns. The sewer and foul water system is already overloaded. Access to the site is via a single-track road with poor visibility. Conditions should be added to require the building to have a septic tank, for a traffic management plan and for on-street parking for contractors, users and visitors to be prohibited during the construction period.

Thames Water

8. No objection in terms of foul water network capacity. Request an informative regarding groundwater risk management. No objection in terms of surface water drainage as long as the developer follows the sequential approach. No objection with regard to water network infrastructure capacity.

Historic England

9. Responded, no comments.

Thames Valley Police

Final Response

10. No objection. Further explanation of the design rationale has addressed previous concerns. Only remaining concern is that the external lighting scheme to the front of the building might not provide sufficient lighting for the CCTV to be effective. Recommend that the CCTV and lighting are designed in tandem to ensure visibility over the site is not compromised by location or level of lighting. dusk till dawn photoelectric switched lighting should be used instead of timer or PIR activated lighting.

First Response

11. Holding objection with regards to boundary treatments and building security. Disappointed that crime and safeguarding of vulnerable residents was not considered within the Design and Access Statement. An addendum should be provided by the applicant to address this. Concerned it might be possible to scale the 1.5 metre fence at the front of the site. The 1.2 metre post and rail fencing proposed offers no security or privacy and is not recommended even for a standard residential dwelling. Strongly recommend that a secure and private outdoor amenity space is provided. Recommend 1.8 metre close board fencing. At the rear 1.5 metre vertical railing fencing could be used in conjunction with hedging.

12. Unable to locate a lighting plan, it is important that the development is well lit after dark. A plan should be provided prior to permission being granted. An operational needs assessment should be undertaken to inform the specification and location of CCTV.
13. Concerned about the number of externally opening doors. Recommendations regarding window materials, letterbox and recess to the main entrance.

Oxfordshire County Council (OCC) Archaeology

14. No objection, however, this submitted evaluation report demonstrates that archaeological deposits related to the medieval development of Aston survive on the site and would be disturbed by the proposed development. Whilst these features are not of such significance to require physical preservation a programme of archaeological mitigation will need to be undertaken to investigate and record these features in advance of any development. Therefore, conditions should be attached to any permission granted to secure this, in accordance with a Written Scheme of Investigation to be submitted and approved.

OCC Transport Development Control

15. No objection, subject to conditions to cover protection of vision splays, access, driveways, parking and turning areas to be provided in accordance with approved details and a Construction Traffic Management Plan. The proposed new access and widening of the carriageway would be subject to a s278 agreement. The widening would be beneficial to the movement of vehicles

OCC Drainage Team and Lead Local Flood Authority

Final Response

16. No further comments regarding the design. The changes have brought it to an acceptable level. No conditions required.

First Response

17. A Surface Water Management Strategy should be submitted in accordance with guidance. Provides comments on the drainage strategy drawing.

OCC Travel Plans

18. No objection, subject to conditions. A development of this size would not usually trigger the need for a Travel Plan, but one is recommended in this case due to the location within a conservation area, to ensure young people and staff are aware of sustainable and active travel modes available to them. Therefore, a condition is required for a Travel Plan Statement to be submitted and approved

prior to first occupation. The installation of EV charging points and provision of cycle parking is welcomed.

OCC Ecology Officer

19. No comments. There would be no impact on protected species or habitats. Biodiversity net gain will be secured through the implementation of the landscaping plan, since the building itself is not particularly suitable for integrated bat or bird boxes.

OCC Landscape Officer

20. No objection subject to conditions for the implementation of the Landscaping Scheme and the protection of trees and hedgerows during construction. Pleased to see that pre-application advice has been taken into account. Advice should be sought from the District Council's conservation officer in terms of design, layout and materials.

Cllr Dan Levy (Local Member)

21. Broadly speaking, I welcome the building of an essential facility for residents of the County, and believe this will be accepted by the community of Aston, as evidenced by the response of Aston Parish Council. However, the site proposed has some flaws in it and access arrangements both during construction and occupation will need to be carefully considered. Access is only by a narrow single-track road. There is a sewage problem in Aston, and the effect on the current infrastructure does need serious thought. WODC's objection to the siting has strength as well, and we do need to retain the green spaces in the middle of the village, between North St and Back Lane. The Local Plan for WODC does suggest extreme caution in building here, and I would hope that the County Council has considered other sites before choosing to propose this one.

Annex 2 – Representations Summary

1. Two letters of representation were received, both objecting. The following points were raised. The officer response is provided in italics.

- There should be no floodlighting at night. If it must be, it should be sensor controlled.

A condition could be added for full details of the external lighting arrangements to be submitted and approved. The applicant has confirmed that the building would benefit from external and bollard lighting within the carpark which would be controlled via a time clock and sensors after-hours. The specification, positioning and angle of illumination of any lighting units would be managed so as to avoid glare towards other properties.

- Solar panels are not attractive and would prefer to see them on the south east facing roof.

The applicant has suggested that moving the panels may make them less effective and would mean they were visible to other properties.

- Could the western hedge to the South Garden be dense and evergreen to protect privacy to neighbouring dwelling?

The applicant has not proposed dense evergreen planting as they consider it unlikely to be acceptable in terms of landscape or biodiversity. However, they have suggested that native species including yew, holly, privet and hornbeam could provide good screening through the winter months. The planting mix and density could be conditioned.

- Could the location of the South Garden be swapped with the vegetable garden to reduce noise and disturbance at neighbouring property?

The applicant has confirmed that the South Garden is intended as a relatively quiet space where children can meet with parents and staff for quiet conversation away from the boisterous play in the back garden.

- Back Lane is in a poor state of repair and should be repaired if it is to support more users

A condition could be added for a Construction Management Plan, which could include the commitment that any damage would be made good by contractors.

- Back Lane has no pavements or lighting and would be dangerous for the children living at the home

Children would not walk unaccompanied after dark. Road speeds along this section are very slow and there is good visibility.

- There are no activities for 12-17 year olds in the village and no buses to/from Witney in the evenings

The applicant has stated that the aim would be to involve children in activities at the village as they arise and services in Witney would be accessed by public transport where possible, or accompanied by staff.

- Site is in the conservation area and would add to erosion of green space

This is a key policy consideration and is addressed in the main body of the report.

- Concerned about additional loading on sewer system

Thames Water have not objected to this application.

- Concerned about loss of archaeology as the site is of moderate interest.

The Archaeological Officer has not objected to the application and has recommended conditions which would ensure that no archaeological interest is lost.

- There should be no construction at weekends

A condition could be attached for a construction management plan, which would set out the hours for working.

Annex 3 – Heads of condition

1. Complete accordance with approved plans and particulars
2. Three-year commencement
3. Construction Management Plan, to include hours of construction, traffic management, a commitment to make good any damage cause by construction vehicles and measures to minimise noise – submission, approval, implementation
4. CCTV and external lighting details - submission, approval, implementation
5. Archaeological Written Scheme of Investigation- submission, approval
6. Archaeological mitigation implemented in accordance with the approved Written Scheme of investigation, including a full report for publication.
7. Final landscaping details and planting mixes, in general accordance with the submitted Landscape Masterplan - submission, approval, implementation
8. New access, parking, turning areas to be implemented as approved, prior to occupation, in accordance with details to be submitted and approved.
9. Visibility splays to be maintained
10. Travel Plan Statement - submission, approval, implementation, prior to first occupation
11. Contaminated land to be report, with remediation if necessary
12. Protection of trees and hedgerows during construction
13. External materials - submission, approval, implementation

Annex 4 – European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Habitats & Species Regulations (Amendment) (EU Exit) Regulations 2019 which identifies four main offences for development affecting European Protected Species (EPS):

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and the habitat on and around the proposed development site indicate that European Protected Species may be present but are unlikely to be impacted by the proposed development. Therefore, no further consideration of the Habitat Regulations is necessary.