

**Land to the East of Back Lane, Aston , Nr Witney, Oxfordshire,
OX18 2DQ**

PLANNING STATEMENT

Beard Construction for Oxfordshire County Council

November 2021

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ISO UKAS accredited 9001, 14001 and 18001

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| Project: | Land to the East Of Back Lane, Aston, Nr Witney, Oxfordshire Planning Statement | | |
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| Client: | Beard Construction for Oxfordshire County Council | | |

| | Issue Date: | Day | 5 | 24 | | | | | | | | | | | | | |
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| | | Month | 11 | 11 | | | | | | | | | | | | | |
| | | Year | 21 | 21 | | | | | | | | | | | | | |
| Document Title | Document No. | Amendment | | | | | | | | | | | | | | | |
| Draft Report | | X | | | | | | | | | | | | | | | |
| Final Report | | | X | | | | | | | | | | | | | | |
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| Distribution | | No. of Prints (X = Issue Sheet) (E=E-mail) | | | | | | | | | | | | | | | |
| Client | | X | | | | | | | | | | | | | | | |
| LPA | | | X | | | | | | | | | | | | | | |
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| Checked by: | J Flawn | Approved by: | Client |
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1 INTRODUCTION

1.1 Bluestone Planning is instructed by the Beard Construction on behalf of Oxfordshire County Council (hereafter ‘the applicant’) to submit a Regulation 3 planning application for the construction of a single storey Children’s Home on a parcel of land at to the East of Back Lane in the village of Aston, Near Witney, OX18 2DQ.

1.2 This planning statement has been prepared on behalf of the applicant to accompany a full planning application for the following form of development:

‘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 (Use Cass C2).’

1.3 This statement examines the proposals in the context of the planning history associated with the site, the planning policy background and the overall justification for the proposals.

1.4 The planning application is supported by the following documentation:

| General | | |
|---------------------------------------|-----------------|--------------------|
| Covering Letter dated November 2021 | | |
| Application forms dated November 2021 | | |
| Plans | | |
| Location Plan | 6366-P-001P01 | Quattro Architects |
| Existing Block Plan | 6366-P-002P01 | Quattro Architects |
| Proposed Block Plan | 6366-P-003 P01 | Quattro Architects |
| Existing Site Plan | 6366-P-100 P02 | Quattro Architects |
| Proposed Site Plan | 6366-P-110 P03 | Quattro Architects |
| Landscape Masterplan | 6366- P111 P03 | Quattro Architects |
| Landscape Area A | 6366-P 112P01 | Quattro Architects |
| Landscape Area B | 6366- P113 | Quattro Architects |
| Landscape Area C | 6366-P- 114 | Quattro Architects |
| Proposed Ground floor | 6366-P - 200 | Quattro Architects |
| Proposed Roof Plan | 6366-P-210- P01 | Quattro Architects |
| Proposed Sections | 6366-P-600 | Quattro Architects |
| Proposed Elevations | 6366-P- 700 P03 | Quattro Architects |
| Proposed Elevations | 6366-P-701 P03 | Quattro Architects |

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|--------------------------------------|-------------------|----------------------------------|
| Front 3D Image | 6366-P-702 P02 | Quattro Architects |
| Rear 3D Image | 6366-P 703 | Quattro Architects |
| Planting Schedule and Info | 6366- P 3700 | Quattro Architects |
| Proposed Site Access | CTP-20-683-SK04 D | Cotswold Transport Planning |
| Swept Path Analysis | CTP-20-683-SP06 A | Cotswold Transport Planning |
| Tree Constraints Plan | AJE/AF 28850 | A J Engley & Associates |
| Documents | | |
| Planning Statement | | Bluestone Planning November 2021 |
| Topographic & Utility Survey | | GeoMap |
| Transport statement | | Cotswold Transport Planning |
| Preliminary Ecology Appraisal | | Wild Service |
| Design & Access Statement | 6366-P-4000 Rev B | Quattro Architects |
| Archaeological Desk Based Assessment | | Oxford Archaeology |
| Drainage Strategy | P20-329-SK01 P2_0 | Simpsons TWS |
| Structural and Civil Engineer Report | | Simpons TWS |
| Landscape Management plan | | Quattro Architects |
| Arboricultural Impact Assessment | | A J Engley & Associates |
| Heritage assessment | | Oxford Heritage Partnership |
| Land Contamination assessment | | Paddock Geo Engineering |
| Drainage Capacity Statement | | Thames Water |
| Construction Management Plan | | Beard Construction |
| Biodiversity Metric | | Aluco |
| Drainage Calculations | | Micro Drainage |

2 DEVELOPMENT PROPOSAL

- 2.0 This planning statement supports a full planning application on behalf of Oxfordshire County Council’s Corporate Parenting Children’s Management Team for the erection of a single storey dwelling for use as a Children’s Home. The proposal will also involve the partial removal of a section of hedge along Back Lane to create a new access, landscaping of the garden area and off street parking provision within the site.
- 2.1 The home is proposed to provide supported accommodation for four children between the ages of 12-17years. This will also mean that a minimum of 2 staff will also have to be on site overnight, with visiting professionals or family members throughout the day. As such the dwelling is proposed as 6 bed, 4 for the children and 2 for overnight accommodation for the staff.
- 2.2 The proposal will provide well needed additional spaces for children who require this type of home as part of the County Council’s in-county residential children’s home pathway.

The need for a new home has come about as a result of the closure of the former Children's Home at Maltfield House. There is a real importance and need to provide the spaces in order to achieve;

- Reduction of the use of out-of-county placements in line with government recommendations
- Keep the cared-for children closer to home in order to facilitate more effective monitoring, better outcomes and maintain/improve their educational attainments, family and friends' connections; for instance children who live in-county are more likely to return to home and attain better educational outcomes than children placed out-of-county.

2.3 Failing to develop additional in-county residential children's home capacity will lead to the following:

- Continued commissioning of external placements at a higher cost
- Reduced outcomes for some of our children
- Less ability to nurture, educate, monitor and support children placed at a distance, with these damaging effects lead to poorer outcomes, a loss of identity and strained connections to their family and friends for those children

2.4 The need will be further evidenced in section 6.1 below, however, by way of background, this application has been the subject of two rounds of pre application advice with the planning team at Oxfordshire County Council, and one round with West Oxfordshire District Council. The applicants have also carried out extensive consultations with the local community over the last 18 months, holding a public exhibition and attending Parish Council Meetings.

2.5 The home is required to provide one 6-bed house (4 children, plus 2 bedrooms for staff), focusing on keeping children's living arrangements local and stable as they progress through secondary education and complete their GCSE's, in order to prepare them to return home, move to foster care or into independent living. The house is to be mixed gender (12- 17 yrs) and in a quiet semi-rural location avoiding larger urban areas e.g. village location with suitable transport links to larger areas (OCC currently does not have a provision within a quieter village setting, this is needed for children who would benefit

from living in a quieter, more rural area). For these reasons the current proposal on this site, is put forward.

- 2.6 The proposal will involve the removal of a section of hedge along Back Lane, the adjacent Tree (known as T4) will be retained. The whole site will be landscaped and the wider management plan of the landscaped area has been design so as to provide a biodiversity net gain of 10%.
- 2.7 The design and access considerations are as follows and are fully set out in the accompanying Design and Access statement. However, as a summary:
- 2.8 Location – The new house will be on the edge of the village of Aston, set just back on the East side of Back Lane, adjacent to the row of Home Farm Cottages to the south, situated on the same side of the road. Open pasture land surrounds the site on all other sides.
- 2.9 Access – Access to the new building will be via the new access, pavement and new proposed parking area.
- 2.10 Access for vehicles will be via the new access and satisfactory visibility splays can be achieved. This is set out further in the accompanying Transport Statement and access drawings.
- 2.11 Construction / Appearance – The dwelling is proposed on an ‘L’ shape footprint, single storey with a pitched roof and gable ends.
- Main Body: Re-constituted stone and heat treated natural timber cladding
 - Fascia and soffits: Light grey UPVC
 - Roof: Fibre cement slate in grey
 - Doors: Light village green coated aluminium frame door sets with glass panes
 - Windows: Light grey powder coated aluminium framed windows with glass pane
 - Timber Cladding: Ash
- 2.12 Use – The use will be as children’s home, providing accommodation for older children as they progress through secondary school education. It is considered this falls within Use Class C2, residential institutions.

- 2.13 Amount – The new house will have a total footprint of 336 sq.m. and will provide accommodation including bedrooms, meeting rooms, offices, kitchen and open plan living areas.
- 2.14 Layout – The layout will very much be in the form a ‘normal’ dwelling with a front door leading to a hallway with bedrooms off, living space in open plan rooms and a kitchen. The only difference will be the provision of the office and meeting room space.
- 2.15 Scale – The scale will be as described above, a single storey dwelling with a ridge height of 7.2m and 3.1m to the eaves of the dwelling with the building being approximately 26m x17m at the widest point.
- 2.16 Flooding / Drainage – The site lies in flood zone 1 and is also in an area that is at no risk of surface water flooding. The application is supported by a drainage statement which shows that there is capacity in the local network to accommodate the property. In feedback received from the Parish Council it is noted that they have expressed concerns with the capacity in this regard, due to new recent developments in the village, and that all, and any new development should be served by their own septic tanks. Thames Water have said that this is only required in exceptional circumstances and that it is not the preferred method, when there is capacity in the system. As such the proposal is to connect to the mains system.
- 2.17 Waste – Waste will be minimised as much as possible and recycling will be carried out and stored in line with local collection processes.
- 2.18 Biodiversity / Landscaping – The development has been designed to provide a biodiversity net gain on site of 10% by the detailed landscaping scheme and ongoing management plan which has been provided.
- 2.19 The full site will enclosed by native planting, post and rail fencing and closed board fencing (behind the existing road facing boundary vegetation) to complement the character of the area.

3 SITE DESCRIPTION

- 3.0 The application site comprises of grassed paddock. The applicants own the surrounding pasture land and the land immediately opposite the site. There is an existing gated access to the pasture land which is just north of the 3 Home Farm Cottages. The site is

within the Aston Conservation area and in an area of archaeological interest, there are no known protected species on site and nor is the site in any area of higher flood risk.

3.0 In total the site is 0.2 hectares in area.

3.1 The application site is situated on the East side of Back Lane, on the outskirts of the village. There is residential development to the south of the site, and to the north, but separated in more isolated form. The built form along this part of Back Lane is sporadic in nature and low density. There are no protected trees on the site and the nearest listed buildings are over 100m away from the site to the south east.

4 PLANNING HISTORY

4.0 There is no planning history directly relevant to the application site. However there are other applications in the area which have informed the development of this proposal which include;

| | | | |
|--------------|---|----------------------------|---------------------------------|
| 21/02099/FUL | Land South of Ferndale- erection of two storey 6 bed dwelling | Refused | 14 October 2021 |
| 19/03403/FUL | Land south of Elmside, Greenacres Lane Aston | Refused – Appeal dismissed | 18 March 2020 17 August 2020 |
| 14/1166/P/FP | Four Winds Tackley- Erection of home providing therapeutic care for children with associated works and change of use of existing dwelling to ancillary administration building. | Refused- Appeal allowed | 11 th May 2015 |
| R3.0020/15 | Construction of residential Children’s Home- Litchfield Farm Merton Court Eynsham | Approved | March 2015 |

5 PLANNING POLICY BACKGROUND

5.0 Planning applications must be determined in accordance with the Development Plan unless considerations indicate otherwise (Section 38(6) of The Planning and Compulsory Purchase Act 2004).

5.1 The National Planning Policy Framework, first published in 2012 and revised in 2021, defines the development plan as including local plans and neighbourhood plans. For the purposes of this application the relevant policies are contained in the statutory development plan, which comprises of the West Oxfordshire District Council Local Plan 2031.

National Planning Policy Framework (NPPF)

5.2 National policy is contained in the NPPF. Further guidance is to be found in the Policy Statement - Planning for Schools Development (August 2011).

5.3 Paragraph 8 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out the three objectives of sustainable development with include:

“.....a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect the community’s needs and support its health, social and cultural well-being

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.”

5.4 Paragraph 11 - introduces a presumption in favour of sustainable development. Within the context of this presumption and in the decision-making process, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or out of date, granting permission unless specific policies in the NPPF indicate that development should be restricted, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

- 5.5 Paragraphs 55 to 57 deal with planning conditions and obligations. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.6 The key passage in the NPPF that is central to the development of homes for a special need and requirement is at paragraph 60 which states; *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*
- 5.7 It is clarified further in paragraph 62 that; *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”*
- 5.8 Paragraph 92 introduces the issue of healthy and safe communities, stating: *“planning policies and decisions should aim to achieve healthy, inclusive and safe places”*.
- 5.9 Paragraph 111 deals with the transport effects of development. It states:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*
- 5.10 Paragraph 112 sets out that within this context, applications for development should;
- “a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”

5.11 Paragraph 126 to 136 of the NPPF explains that high quality buildings and places are key aspects of sustainable development. Paragraph 130 in particular emphasises that developments should function well and add to the overall quality of an area, are visually attractive, sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimize the potential of a site, and to create places that are safe, inclusive and accessible which promote health and well-being.

5.12 Paragraph 157 deals with the requirement to achieve low carbon development and low energy consumption.

5.13 Paragraph 167 deals with the requirements for drainage and sustainable drainage solutions.

5.14 Paragraph 174, dealing with biodiversity and landscape impacts, advises that planning decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and d) minimising impacts on and providing net gains for biodiversity.

5.15 Paragraph 189 requires the conservation of heritage assets, citing them as an “irreplaceable resource”, and that they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.16 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 including, where appropriate, securing its optimum viable use.”

- 5.17 The NPPF is an important material consideration in determining the appropriateness of the current development proposals.

West Oxfordshire District Local Plan 2031

The key policies in this case are the following:

Policy OS2 Locating Development in the Right Places

Policy OS4 High Quality Design

Policy H2 Delivery of New Homes

Policy H4 Type and Mix of New Homes

Policies T1/T3 Sustainable Transport / Public Transport, Walking, Cycling

Policy T4 Parking Provision

Policy EH2 Landscape Character

Policy EH3 Biodiversity

Policy EH6 Renewable Energy / Low Carbon

Policy EH7 Flood Risk

Policy EH8 Environmental Protection

Policies EH9/EH10 Historic Environment / Conservation Areas

Principle of Development

- 5.18 Aston is classified as a ‘Village’ in the settlement hierarchy at table 4b of the adopted Local Plan. This places it at the level below Rural Service Centres and above small villages, hamlets and open countryside. Within that it is stated that some development will be supported in the villages but that will be *“..limited to that which respects the village character and local distinctiveness and would help maintain the vitality of the local community...”*

- 5.19 Policy OS2 of the Local Plan confirms that:

“.....The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. A number of site allocations are proposed to ensure identified needs are met. Further allocations may be made through Neighbourhood Plans. Proposals for

residential development will be considered in accordance with Policy H2 of this Local Plan.....”

5.20 It goes on to explain that all development should adhere to a series of general principles. Several of these principles are relevant to this proposal including the following. They explain that development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Avoid the coalescence and loss of identity of separate settlements;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment;
- Safeguard mineral resources;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.21 Policy H2 provides further guidance on the criteria for new housing development. It explains that new dwellings will be permitted at villages where the site has either: been allocated within a development plan document; on previously developed land within or adjoining the built up area; on undeveloped land within the built up area; or **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 accords with the housing distribution in Policy H1 and it accords with other policies in the Local Plan and in particular policy OS2.

- 5.22 It is the latter part of this policy which is considered critical to this particular proposal – there is a pressing need for this new children’s residential home for the reasons as set out above. This is a critical element of the County Council’s strategy for providing in-county accommodation for it’s looked-after children and will lead to a range of better outcomes for those children and their families. This is an ‘identified housing need’ in the context of Policy H2, albeit one which is not specifically mentioned in the NPPF at paragraph 62. However the listed types of housing need is not a closed list (the text of paragraph 61 contains the phrase “*including, but not limited to*” in identifying various groups with housing needs).
- 5.23 The criteria in Policy OS2 are all matters which the proposal is considered to take account of and thus the new home is considered to comply with the requirements of both Policies OS2 and H2. At the same time, the proposal is considered to comply with the requirements of policy H4 as well in providing a type of housing which meets a need that will contribute towards the provisions of a good balanced mix of property types and sizes.
- 5.24 The pre application responses which have been received to date also set out some recent nearby planning applications which have been refused and upheld on appeal. Those cases are materially different to the scheme proposed here and relate mainly to design and heritage matters which will be discussed further in the sections below. However, those applications were for market housing with no specific housing need demonstrated to show compliance with policy OS2 or H2. The case here is different as there is a clear and well evidenced need for housing of this type, specifically for looked after children in Oxfordshire.
- 5.25 A similar application to this proposal (albeit the Aston scheme is much smaller in scale) was approved by the County planning authority in March 2015 for the construction of a residential children's home and new assessment centre building and associated external recreation areas and car parking (ref R3.0020/15) at Litchfield Farm, Merton Court, Eynsham, Oxfordshire, OX29 4QF. This was also located in West Oxfordshire and in that case the site was also partially outside the built part of the settlement of Eynsham, but the need for the development was justified and the application approved.
- 5.26 In a further example in West Oxfordshire District, an appeal was allowed for the construction of a new home providing therapeutic care for Children (Class C2) with associated works and change of use of an existing dwelling to an ancillary administration

building at 'Four Winds' in Tackley OX5 3ER. The site was slightly different to this current proposal in that it was a replacement of a dwelling outside of a settlement and was therefore classed as being within the 'open countryside'. However the Inspector noted:

*".....that the County Council have stated that they have a large number of looked after children placed a distance from Oxfordshire and they would want to bring them closer to their homes and support networks – and to avoid placing children such a distance from home in the first place. **In my view this indicates that there is a distinct local need and connection for such a facility.** There is also no reference in Policy TLC1 for such facilities to be ancillary to, or connected to a similar use close by. I therefore consider that the proposal complies with the first part of Policy TLC1. **By providing a valuable community facility, and allowing looked after children from the County to be sited closer to their families and support networks the proposal would also fulfil a valuable social need.**" (Bluestone emphasis)*

5.27 A further case in 2019 (Appeal ref. APP/M4320/W/19/3231962) relates to a site in Southport for 'Change the use from C3 Dwelling House to C2 Residential Children's Home'. Whilst the proposal did not relate to the construction of a building, the need for such a use (change of use) was considered by the Inspector and acknowledged that it was considered sufficient to be able to determine the appeal;

*"The appellant's case is that **such a need exists and there is no contrary evidence before me from the Council to indicate that such a need does not exist**"*

5.28 A similar appeal was determined in 2019 (ref. APP/U5930/W/19/3222519) at a site in Chingford in Essex, for 'change of use from a C3 (b) residential home for children to a C2 residential family assessment centre'. Again this related to a change of use, but when considering the level of need and how this was evidenced, the Inspector noted:

*"Based on **the evidence provided by the appellant, which is not disputed by the Council, there is an increasing demand for places for children in care across London.** Whilst the proposal would not necessarily provide accommodation solely for the London Borough of Waltham Forest, to my mind the use of the building as a residential family assessment centre would play an important role in partially fulfilling*

demands for family placements both within, and outside, the borough. This flexibility is inherent in ensuring that care can be provided for vulnerable children as demand and circumstances dictate, whether that be on a more organised referral basis, or as emergency accommodation.

*Even though I accept that the development would result in the loss of a family home in a predominantly residential area, it would strike a chord with Policy CS2 of the Waltham Forest Core Strategy 2012 (the Core Strategy) by improving housing quality and choice and providing housing for vulnerable people. In this context, the change of use would provide a **specialist type of residential accommodation whilst serving an important function in meeting the variety of housing needs in the borough**. I am satisfied that the residential care proposed would justify the loss of a larger family home.”*

5.29 It is considered that the need for this specialist type of accommodation is such that it presents a material consideration and one which a number of different Planning Inspectors have noted outweighs other areas of policy conflict. As such the current application scheme is considered to be acceptable in principle and compliant with Policy H2 of the West Oxfordshire Local Plan as it is considered that although the proposal is on undeveloped land adjoining the built up area of the village of Aston, convincing evidence has been presented to demonstrate that the proposed children’s home is necessary to meet this specific identified housing need. This need evidence will be set out further in section 6.1 below.

6 JUSTIFICATION

6.0 The following section sets out the justification under a number of headings, as follows:

- Need
- Design / Residential Amenity
- Impact on Heritage Assets
- Transport and Highway Safety
- Biodiversity
- Trees and Landscape Character
- Benefits of the proposal

Need

6.1 The feedback received from West Oxfordshire District Council at pre-application stage has indicated that they remain to be convinced that the proposal accords with the location policy of OS2 or policy H2, because dwellings on greenfield sites such as this, outside of the built area, will only be permitted in cases where there is an essential operational or other specific local need which cannot be met in any other way.

6.2 As set out above, the applicant's case is that there is a specific local need for a home of this type for looked after children in Oxfordshire. The figures below show the places needed against the availability of said placements. This information has been supplied by the applicant in support of this application.

“Currently 784 children are in the care of Oxfordshire local authority, over 50 % of these young people live in foster care with others living in independent living arrangements, with prospective adopters and in residential schools. 94 children are placed in ‘mainstream’ children’s homes, the majority being placed with private providers as our internal homes, of which we only have 3, only have the capacity at present to care for 18 children.

Each local authority is responsible and has a duty to provide accommodation for any children in their care, they must take steps to ensure, so far as reasonably practicable, that sufficient accommodation is available within their area in order to meet the needs of the children they look after:-

Children Act 1989 - "22G General duty of local authority to secure sufficient accommodation for looked after children

- 1) *It is the general duty of a local authority to take steps that secure, so far as reasonably practicable, the outcome in subsection (2).*
- 2) *The outcome is that the local authority are able to provide the children mentioned in subsection*
- 3) *with accommodation that—*
 - (a) *is within the authority's area; and*
 - (b) *meets the needs of those children.*
- 3) *The children referred to in subsection (2) are those—*
 - (a) *that the local authority are looking after;*
 - (b) *in respect of whom the authority are unable to make arrangements under section 22C(2); and*
 - (c) *whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the authority's area.*
- 4) *In taking steps to secure the outcome in subsection (2), the local authority must have regard to the benefit of having—*
 - (a) *a number of accommodation providers in their area that is, in their opinion, sufficient to secure that outcome; and*
 - (b) *a range of accommodation in their area capable of meeting different needs that is, in their opinion, sufficient to secure that outcome.*
- 5) *In this section 'accommodation providers' means— local authority foster parents; and children's homes in respect of which a person is registered under Part 2 of the Care Standards Act 2000."*

6.3 The information provided on by the applicant goes on to say:

"The Competitions and Markets Authority have recently published an interim report (22nd October 2021) which outlines significant concerns about the availability of placements and profits of private providers. The Study's interim report finds that there is a shortage of appropriate places for local authorities seeking to place children and too often no placements are available, in children's homes, with foster carers or in independent accommodation, that fully meet the needs of children – with some being too far away to enable young people to stay connected to their families and siblings. To address this there is a need for Oxfordshire to increase its ability to care for its own children. Out of 156 local Authorities, Oxfordshire is ranked 134 in respects to placing children outside of their local authority boundaries. This clearly evidences the need for us to increase our own sufficiency in county . The building of the children's home in Aston will help us begin readdress this.

Aston Children's home will be able to support 4 young people who otherwise would need to be placed outside of Oxfordshire. We will be looking to use the home to provide long term care for children between the ages of 12 and 16 yrs. The children living in the home

will have experienced trauma as a result of the care they have received when living in their own families and neighbourhoods. Siting the home at Aston will allow children to live in an area where they can connect with their local community and experience positive community living and have the space to heal. Due to the locality of the home these children will be able to maintain links and access to local resources within health and education services and be better connected to services who can support them to have a more seamless transition into adulthood."

- 6.4 In addition to the legal requirements of providing Children's homes such as this, it is also a County Council service, not a discretionary requirement, and a clear need which is set out in the service needs statement (the full document can be read here: <https://www.oxfordshire.gov.uk/sites/default/files/file/children-and-families/CommissioningStrategyforLookedAfterChildrenPlacements2020-2025.pdf>).
- 6.5 This document sets out that there is a 'Sufficiency Duty' which relates to Section 22G of the Children Act 1989 (as set out above) which requires local authorities to ensure that there is sufficient accommodation for those children that meets their need and is within their *local authority area* (Bluestone emphasis). This clearly sets out the 'specific local need' element for the purposes of policy OS2 and H2 in the sense that the home needs to be located within the Local Authority area (County of Oxfordshire).
- 6.6 The Strategy goes on to say: 'The document 'Statutory guidance on securing sufficient accommodation for looked after children' states: "*Having the right placement in the right place, at the right time, is a vital factor in improving placement stability, which in turn is a critical success factor in relation to better outcomes for looked after children.*"
- 6.7 The report goes on to look at the current provision and notes: "*The key challenge regarding placements is the lack of in county provision in Oxfordshire. Our needs analysis showed that the proportion of out of county placements has increased over the years, from around 25% to 40%.*" Again, this shows how there is a significant and increasing need for in County placements for children in a residential setting as is being proposed in this application.
- 6.8 As far as the justification for the location is concerned, a full Option Appraisal was carried out in 2019 which looked at 981 parcels of land in Oxfordshire where the County Council had a land interest. Of those 981 parcels of land, 916 were not found to be suitable for

the siting of the new home, six of the sites had potential to be included in a later sift if required, and 59 of the sites were worthy of further investigation. This larger list was eventually reduced to a shortlist of eight sites and the site east of Back Lane at Aston was identified by the Service as their preferred location as it could accommodate the list of requirements which are particular to the needs for the home (as identified in these reports), these include a site that:

- Could accommodate six en-suite rooms, four for children and two for staff.
- Could accommodate both boys and girls
- Would have capacity for at least four staff on the site each day and two staff overnight
- Had easy access to local bus routes
- Was in a more rural location with a degree of remoteness whilst still being appropriately close to an urban environment
- Was in local proximity to secondary schools, helping to promote independence

6.9 Once the site had been chosen, the project team worked hard on the scheme taking in to account the feedback received from statutory consultees, the two planning authorities and the local community. The resulting proposal has been designed to both meet the needs of the County in terms of this specialist provision, whilst respecting the character of the area and making the most efficient use of the land and Council property. The design matters will be set out further below.

Design / Residential Amenity

6.10 The siting and construction of the new home has been chosen so that it respects the pattern of development, whilst being set back from the road and from the adjacent property to protect and preserve neighbouring amenities.

6.11 Policy OS4 of West Oxfordshire Local Plan 2026 relates to 'High Quality Design' and also deals with impacts of development on amenity. It states:

"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 and should:

- *demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and*
- *not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties; and*
- *demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and*
- *conserve or enhance areas, buildings and features of historic, architectural and environmental significance, including both designated and non-designated heritage assets and habitats of biodiversity value; and*
- *enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate.”*

6.12 The design of the proposal is considered to form a logical and complementary addition to the existing street pattern in this part of the village, by making efficient use of the land and working with the natural landscape and form of the land. The proposal is supported by a summary of the relevant design and access considerations (see document produced by Quattro) and the appearance and form of the development has evolved from an analysis of the character of the buildings in the village and the conservation area and as a response from the considered pre-application feedback.

6.13 The design is considered to be in keeping with the local character and vernacular; the scale and form is modest, with a much lower height and massing than some of the nearby properties, which adds to the low key ‘back lane’ character. However as has been set out in the supporting design and access statement, there are some specific requirements in terms of room size, window and door types, a wider eaves overhang etc. to take account of in terms of health and safety and accessibility for a home with a specific need such as this. As a result the design contains some more modern elements however these are considered appropriate in this rural location and are not considered to harm the setting of the conservation area (see paragraphs 6.17 onwards) and actually help to enhance the quality of the design overall.

6.14 Again, the materials have been chosen to take account of the rural and conservation area setting, whilst at the same time needing to fulfil a functional need to be safe, durable

and appropriate to their use. The proposal has evolved to take account of the pre application response from WODC officers in respect of the proposed materials who suggested that natural and lighter materials should be employed in the design. As such the timber cladding is chosen to be Ash as it is harder than other timbers but will weather to provide a light and natural appearance, therefore meeting both the aesthetic and functional requirements. The window and door frames are proposed in light grey with the reconstituted Stone in a light natural appearance. In this context the materials are considered appropriate to the setting and the nature of the development.

- 6.15 Policy OS4 also relates to the impact on amenity and living conditions of nearby properties. The proposal has been developed to ensure that effect on the amenity of the nearest neighbouring properties to the south on Back Lane (3 Home Farm Cottages) and to the east on North Street (White House Farm, Breton Cottage and Palamino Cottage) are minimised. Active areas are proposed to be contained and overlooking avoided through the use of separation distances and landscape planting.
- 6.16 From the feedback received at the public consultation events, it is understood that there are concerns regarding the siting the property and the impacts it may have on the amenities currently enjoyed by the nearest neighbours. The dwelling is set some 39 metres from the side elevation of 3 Home Farm Cottages, well in excess of accepted standards for 'side to side' distances between properties. As such it is not considered the proposal would lead to any opportunity for overlooking or direct loss of privacy. It is accepted that the current occupiers have views over the pasture; however there is no right to a view and the introduction of the single storey dwelling in this location, with the sensitive landscaping intervening and degree of separation is not considered to result in an overbearing or harmful outlook that would negatively impact the amenity of the neighbours to any harmful extent. Consequently the proposal is considered to accord with the requirements of Policy EH8 and OS4.

Impact on Heritage Assets

- 6.17 Policies EH9 and EH10 deal with the effect of development on the historic environment and Conservation Areas respectively. Work has been carried out on the wider historic environment to support this proposal and the findings of the desk-based archaeological assessment has been submitted with this application. A written scheme of investigation has been carried out and the field investigation work is proposed on to be begin on the 8th November. These have been planned to be undertaken prior to the planning

application being submitted in accordance with the pre application advice. Due to the timings of field investigation the length of time to compile the subsequent reports, there may be a slight cross over period between the submission of the application and final reports being submitted. This is due to the availability of staff only and will be finalised to support the application for consultation to the relevant consultees.

6.18 However the findings of the desk based report were that the site has low potential for prehistoric remains and that there is a moderate potential for the Roman remains due to the location on the edge of the settlement and there may be evidence of this. There is a low- moderate potential for medieval remains due to the triangular formation of the village. There may be a high potential for medieval agricultural remains and it is possible that the earthworks picked up from a LiDAR may represent late Saxon/medieval estate boundaries. As such the recommendations of the report were that an archaeological trial trench evaluation will be required to further investigate the site and that the scope of this should be agreed with the County Archaeologist in advance. This has been done and the Written scheme of Investigation has been agreed with the County Archaeologist in advance of the field work being carried out. The field work is currently underway and the results of which will be submitted as soon as possible, to fully support the application.

6.19 Turning to the effect of the proposal on the character and appearance of the Conservation Area, and the setting of the nearest listed buildings, it is important to understand the context. To this end a Heritage Assessment has been undertaken which is submitted with this application and has been used to help develop and guide the design of the proposal.

6.20 Policy EH9 of the West Oxfordshire Local Plan requires that *“In determining applications, great weight and importance will be given to conserving and/or enhancing the significance of designated heritage assets, including.....:*

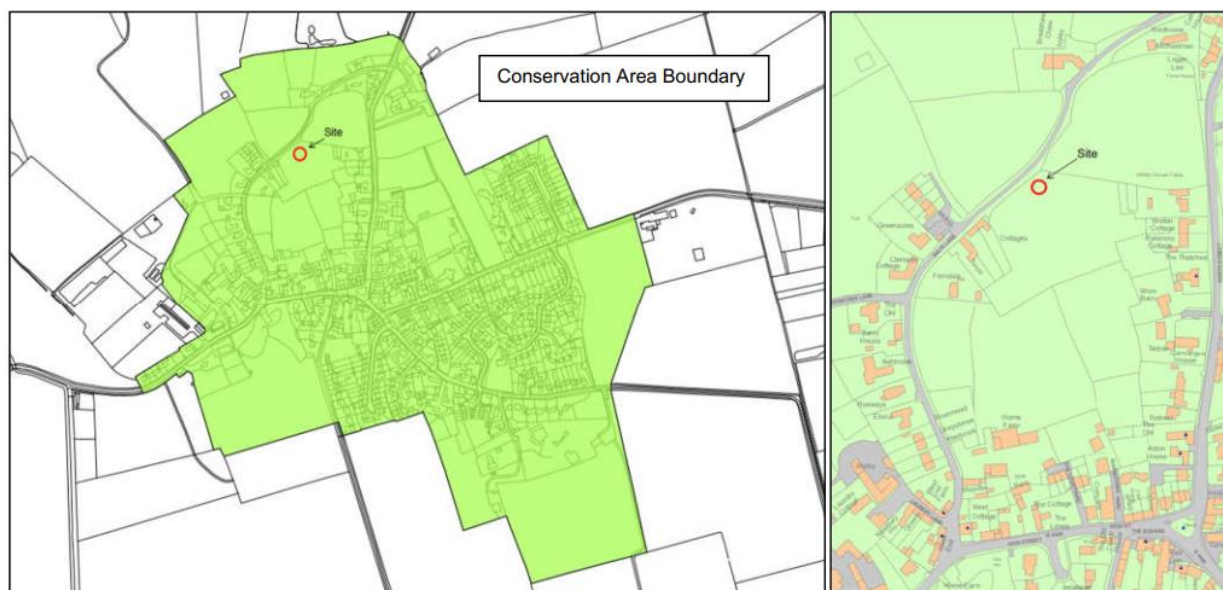
- *.....the special architectural and historic interest of Listed Buildings, with regard to their character, fabric and their settings;*
- *the special architectural and historic interest, character and/or appearance of the District’s Conservation Areas and their settings, including the contribution their surroundings make to their physical, visual and historic significance;*

- *the special archaeological and historic interest of nationally important monuments (whether Scheduled or not), both with regard to their fabric and their settings...*

6.21 It goes on to repeat the guidance in the NPPF on identifying the significance of heritage assets and assessing the harm that development may give rise to and balancing that harm against public benefits. Policy EH10 echoes this requirement, providing more detailed guidance on proposals affecting Conservation Areas specifically.

6.22 There are also statutory duties in relation to the protection of heritage assets, contained at sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). These duties require local planning authorities to consider the impact of proposals upon Listed buildings and Conservation Areas.

6.23 The significance of the Conservation Area (designated in 1998) and the role that the site plays in that area is largely as an area of open land which provides a transition between the built part of the village and the surrounding countryside. The built part of the village continues to the north of the site with dwellings both on Back Lane and North Street. Open, undeveloped land lies to the west of the site and dwellings to the east. These contribute to the character of the Conservation Area, whose boundaries extend significantly beyond the roads that form the main routes through the village to include the peripheral fields outside the built part of the village in many cases, as can be seen in the map of the Area below:



- 6.24 The nearest listed buildings are located over 100 metres from the site to the south east, as can be seen in the right hand map above, taken from Historic England's 'Search the List – Map Search' tool (listed buildings are marked by a dark triangle).
- 6.25 The village has evolved over time, with gradual infilling of the land between the main roads in the form of more recent cul-de-sacs such as Saxel Close, Foxwood, Woodbridge Close and the development to the west of St James Church, all of which lie within the Conservation Area.
- 6.26 In the recent appeal at Elmside Back Lane (see above – ref APP/D3125/W/20/3252866) the appeal Inspector described the significance of the conservation area as including “...small areas of open land immediately adjacent to the development area and which form important elements of foreground in long views of the settlement.....The local open rural form of the appeal site makes a positive contribution to the overall character and appearance of the heritage asset.”
- 6.27 The appeal site was located on the western side of Back Lane, and would have extended the built part of the village out into the countryside in this location. A position which can be contrasted with the current application site. The application site is not one of these areas of open land affording long views of the settlement, rather it is contained within the settlement built area and with built development on three sides. That built development is also part of the significance of the conservation area and was accepted as part of the character of the area at the time it was designated in 1998.
- 6.28 The nearest listed building, located to the east, is the Thatched Cottage on North Street. It is Grade II listed and the listing describes it as follows:
- “Farmhouse. Late C17 and early C18. Coursed limestone rubble; gabled thatch roof; brick end stacks,rebuilt in C20 to left. 2-unit plan. One storey and attic; 2-bay range. Bay to left, of early C18, has timber lintel over plank door and C20 timber porch; bay to right has timber lintel over C20 two-light casement and C20 half-dormer casement. Early C18 one-storey bay to left, of similar materials, has blocked door. C19 four-light dormer casement to rear. Interior not inspected but likely to be of interest.”*

- 6.29 This is a listed building of limited significance, its value being primarily because of its age, historical association and features. The setting of the Cottage includes the development that is visible from both the front and rear of the property, including the various developments on Back Lane.
- 6.30 The application site is relatively well-contained in views from the Lane and although a new access will be provided which will alter that 'containment', this will also provide an opportunity to gain glimpsed views into the pasture between North Street and Back Lane where such views are currently limited. This is a public benefit which weighs positively in the planning balance overall.
- 6.31 The presence of a new building will change the character of this part of the Conservation Area to a small degree but it will not lead to a change that is particularly material. As described above, the Conservation Area character is partially characterized by the development that has occurred over time on the main roads through the village and on the land that lies between the roads. This proposal would simply represent a further development plot on one of the roads in the village.
- 6.32 The effect of the building on the setting of the listed Thatched Cottage will again be very limited and will be seen in the context of the other development on Back Lane when viewed from the Cottage itself. This view is mirrored in the findings of the submitted heritage impact report.
- 6.33 The Heritage Impact report submitted in support of this application summarises that the level of harm likely to be caused by this proposal is 'less than substantial'. The report then specifically sets out the impacts and assessments and lists some potential mitigations. The impacts are assessed on the 'scale' of harm as being 'none' to 'high'.
- 6.34 Where there is a 'less than substantial harm' this need to be weighed against wider public benefits of the proposal. As set out in this planning statement, the proposal is considered to be required in order to meet a county-wide need as it currently falling short of being able to place children within their home county to be able to maintain family and local connections.
- 6.35 Being able to provide these places is clearly a wider, and significant, public benefit in helping provide a safe and purpose built supported home for children with specialist support needs who would otherwise have to be homed outside of the county, or in

intermediary accommodation which is just not sufficient for the service the County want to provide. This clear public benefit of the proposal is overwhelming and is considered to heavily outweigh the less than substantial harm which has been identified in some of the assessments of the submitted Heritage Impact Assessment.

- 6.36 There are also some more localised public benefits deriving from this scheme including the provision of new glimpsed views of the land between Back Lane and North Street by the opening up of sections of the hedge. Additionally, providing local jobs in the construction of the proposed home as well as the increased use of local facilities by the new occupants are both public benefits that must be weighed in the heritage balance.
- 6.37 As such it is considered that the proposal has been carefully and sensitively designed to take account of the conservation area setting and respectful of the nearby heritage assets and is considered compliant with policies EH9 and EH10 of the West Oxford Local Plan.

Transport and Highway Safety

- 6.38 The applicant has sought pre application advice directly with Oxfordshire County Council Highways who have confirmed there are no overall concerns with the proposal and it will be unlikely to result in any harmful impacts on the local highway network.
- 6.39 The pre-app response did highlight that the application should be supported by a Transport Statement, which has since been undertaken and is submitted in support of this application along with the necessary drawings showing the access and visibility splays.
- 6.40 Turning to parking and accessibility, the submitted Highways and Transportation Scoping Note explains that there will be a “...*maximum of four staff on site at any time and assuming that each of the staff will drive, there will be four dedicated staff spaces and two spaces for visitors, and a larger disabled parking space providing a total of seven car parking space. One of the parking spaces will accommodate an electric vehicle charging point. There will also be a total of eight cycle parking spaces on site, which will accommodate every resident as well as visitors and will be located in a secure, covered*”
- 6.41 The car parking and cycle standards are set out based on the number of staff and likely visitors on the site at any time. There are 6 spaces of the standard OCC dimensions of

2.5mx 5m and an accessible spaces of 6m x 4.8m. A 6 bedroomed 'home' would be expected to provide 4 spaces in order to comply with standards, therefore the 7 spaces here (including an accessible space and turning area) is appropriate to accommodate the demand of staff and visitors. In addition to this it is established that there is a 70 seater bus which takes children from Aston to Henry Box School in Witney.

6.42 The parking on site has been set out and arranged with tracking so that vehicles can manoeuvre safely within the site without the risk of any displacement parking occurring on the nearby road network. The high threshold for a refusal on highway grounds at paragraph 111 of the NPPF is not therefore engaged, and the proposals are considered to accord with the policies of the development plan and in particular Policies T1, T3 and T4 of the West Oxfordshire Local Plan.

Biodiversity

6.43 The site is not within any areas of high habitat value or likely to affect any protected species, however it is noted that that development of the grassland will lead to a loss of this type of habitat. A biodiversity report has been submitted with the application which lists series of recommendations in relation to replacement planting, introduction of 'bat-friendly' lighting, bat and bird boxes and other measures all of which are considered to demonstrate that the proposals will not only mitigate the effects of the development but that there will be a biodiversity net gain which includes the planting as set out in the landscape management plan.

6.44 The proposal will actually result in there being a greater opportunity for more planting around the site and as the submitted biodiversity matrix indicates, the proposal would result in a net gain of 10%. As such the proposal is considered to comply policy EH3 of the WOLP.

Trees and Landscape Character

6.45 Policy EH2 of the West Oxfordshire District Local Plan, deals with the effect of development on landscape character. The options analysis that was undertaken prior to submission of this application and throughout the pre-application procedures considered a range of building locations and orientations before arriving at the submitted proposal. The options were considered in terms of their impact on the locality, the building line, neighbouring properties, tree and hedgerow loss and highway safety.

6.46 The proposal is considered to meet the requirements of Policy EH2 because it would conserve and enhance the intrinsic character, quality and distinctive natural features of the local landscape, and it would lead to minimal loss of vegetation (as set out and detailed in the submitted Arboricultural Impact Assessment and Transportation Note) whilst providing replacement and additional planting to provide a landscape setting and screening of the proposed development where necessary.

6.47 The landscaping for the site will be the subject of a wider management plan to ensure that the planting is protected, retained or maintained where necessary. This includes protection measures for the retained tree, T4 which has been identified in the submitted Arboricultural report.

Benefits of Scheme

6.48 A range of benefits (including public benefits) would accrue in direct response to this proposal. In particular, those benefits would include:

- Provision of a much needed supported home for some of the County's' vulnerable children in need of care.
- Economic benefits as a result of locally sourced construction jobs, materials and spending in the locality.
- Biodiversity enhancements with a net gain of 10%
- Protection and management of existing tree and hedgerow
- A well designed, efficient and sustainable construction making efficient use of OCC-owned land.

7 CONDITIONS AND OBLIGATIONS

7.0 The proposals are considered to be acceptable in principle having regard to the policies of the development plan and the NPPF. Where impacts arise that are material, the applicant recognises that to make the development acceptable it may be necessary to impose planning condition requirements provided they meet the tests in NPPF paragraph 57.

7.1 The following planning conditions are suggested by the applicant which may be considered necessary:

- Materials
- Boundary treatments details as shown
- Hard and soft landscaping as shown- landscape management plan to be maintained thereafter
- Protection of Tree (T4) and hedgerows during construction
- Adherence to construction management plan (given the nature of the location of the site)
- Surface water drainage strategy implementation in accordance with submitted scheme
- Implement biodiversity mitigation measures to ensure net gain is delivered
- Parking and visibility splays carried out as shown prior to occupation
- Bin and cycle stores installed as shown prior to occupation

7.2 Together these measures are considered necessary to make the development acceptable having regard to the policies of the development plan and national planning policy.

8 CONCLUSIONS

- 8.0 Planning applications must be determined in accordance with the Development Plan unless considerations indicate otherwise (Section 38(6) of The Planning and Compulsory Purchase Act 2004).
- 8.1 In this case, the development plan contains policies which are relevant to the determination of this application.
- 8.2 No specific policies in the NPPF or the West Oxfordshire Local Plan indicate that the development should not be permitted on the site, given the need and evidence that has been set out within this statement and the other supporting documentation that accompanies this application. The supporting technical reports demonstrate that the proposals would not adversely affect the adjoining properties or those in the wider area or have any detrimental impact on the local wildlife, biodiversity, trees or heritage assets.
- 8.3 The proposal has been assessed in terms of its impacts on heritage assets and archaeological impacts and have found to be on the lower side of the 'less than substantial' harm. As has been set out in the sections above in this supporting statement, the overwhelming public benefit of providing this much needed facility is considered to weigh in favour of the scheme so much so that it outweighs the 'less than substantial harm' which has been identified.
- 8.4 The proposals are considered to be compliant with the policies of the Development Plan, and also with the principles enshrined in the NPPF.
- 8.5 The site has been chosen by the Children's Service, after a full review of hundreds of OCC sites, as the site which offers the best provision for this type of home whilst limiting any local impacts. Its proximity to the village of Aston will allow the children to have a meaningful connection to the community and to establish a settled day to day life.
- 8.6 Therefore for all of the above reasons, and having regard to the national and local planning policy considerations set in Section 4 above, it is considered that planning permission should be granted for the proposals subject to the imposition of planning conditions as deemed appropriate.