

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 4th November 2019

**REPORT OF THE
BUSINESS MANAGER – DEVELOPMENT MANAGEMENT**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

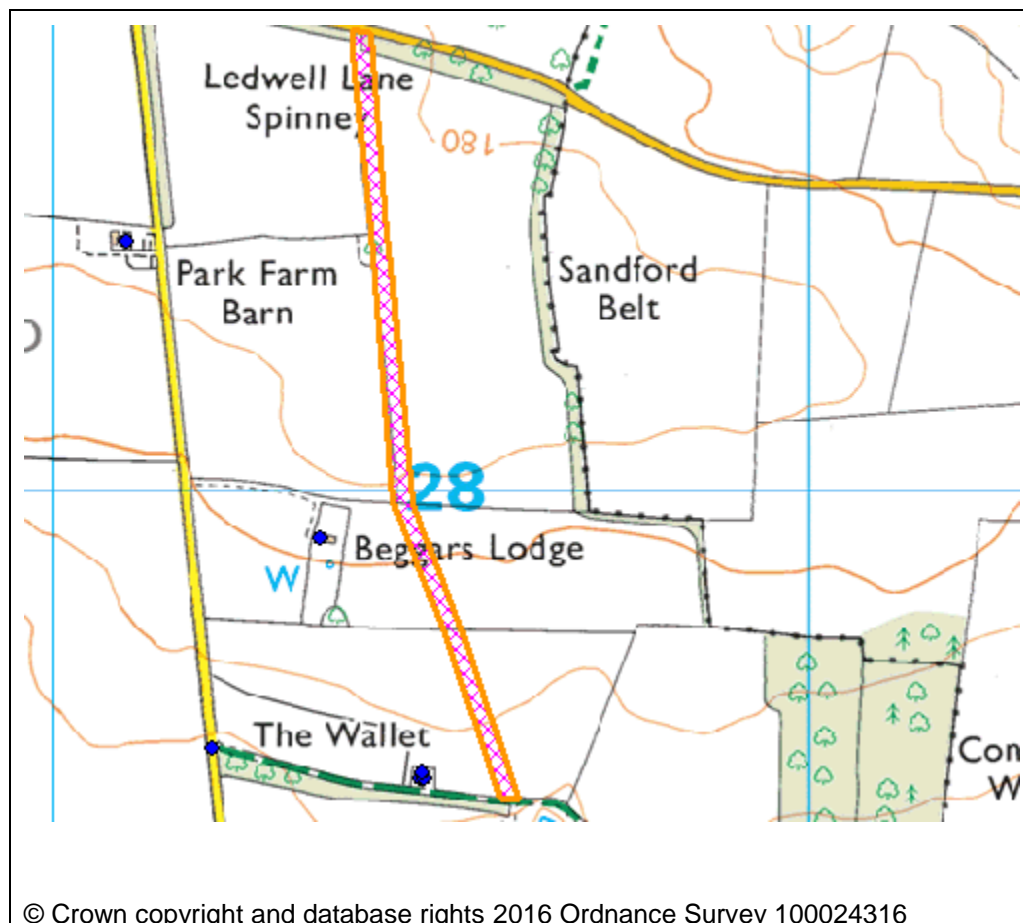
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
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Application Number	18/02236/FUL
Site Address	Beaconsfield Farm Great Tew Chipping Norton Oxfordshire OX7 4JR
Date	23rd October 2019
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Great Tew Parish Council
Grid Reference	440662 E 227492 N
Committee Date	4th November 2019

Location Map



Application Details:

Construction of an agricultural access track. (Retrospective).

Applicant Details:

GTBE LLP, c/o Agent.

I CONSULTATIONS

- I.1 OCC Highways No Comment Received.
- I.2 OCC Archaeological Services Further to considering the tabled report I would like to confirm the following points in relation to the above application.
- The archaeological evaluation has been undertaken and a report of the results has been submitted. This has been undertaken in line with the agreed WSI.
 - The evaluation has confirmed the presence of archaeological features within the field directly north of Beaconsfield Farm as indicated by the aerial photographs and the geophysical survey. The features include numerous rectangular enclosures and associated features and appear to be contemporary with the designated villa located 90m to the south. The finds assemblage is indicative of domestic activity, comprising pottery sherds from jars, mortaria, beakers, dishes and bowls, and evidence for domestic animals, including chickens. These are contemporary in date to the villa and clearly form part of the villa estate.
 - The features are directly related and associated with the designated villa. Under Paragraph 199 (Footnote 63) these are demonstrably of equivalent significance to scheduled monuments and therefore should be considered subject to the policies for designated heritage assets. There is as a result of the works undertaken clearly an impact upon the archaeological features as well as the setting. Also, Paragraph 191 of the NPPF 2018 clearly states however that where there is deliberate neglect or damage to a heritage asset the deteriorated state of the asset should not be taken into account in any decision.
 - Having required a geophysical survey and an evaluation we are now in the position we would have been if the applicant had applied for permission through the proper channels. The construction of the road has clearly impacted upon archaeological features that are demonstrably of equivalent significance to a scheduled monument and to their setting. The applicant has not clearly demonstrated that the harm to the heritage asset have outweighed significance of the heritage asset as required by Paragraphs 195, 196 and 197 of the NPPF. The harm needs to be remediated and I would therefore recommend that the upper layers of the new road are carefully removed and replaced with soil. The fences should also be carefully removed. The area can then be returned to agricultural use.
 - I am additionally aware of the proposals to redevelop parts of Beaconsfield Farm. The farm was formerly a model farm and its architectural importance should be reflected in any proposed works. There is also scheduled monument adjacent to the farm. This clearly extends well beyond the scheduled area as clearly shown by the results of this geophysical survey and evaluation. I would stress that any such features will be subject to the same policies for designated assets. It is therefore essential that a geophysical survey of the area is undertaken before any works are undertaken so the landowner can

be fully aware of the extent of the archaeology and can consider an appropriate development without having an invasive effect upon below ground archaeological features which if it does occur will need to be considered in the light of the need to ensure that such remains are safeguarded and where they are deliberately damaged contraveners are suitably dealt with.

- I.3 Adjacent Parish Council Sandford St Martin and Ledwell is the neighbouring parish to Great Tew, and the site is close to the parish boundary. A Parish Council meeting was held on 5 September, at which the above application was discussed. Approximately 15 members of the public attended, together with five Parish Councillors. By general consent the attendees were opposed to the development. On this basis, the Parish Council is writing to object to the development.

We object to the proposals on the following grounds:

1. The proposals has previously been turned down by the Council; the mitigation measures now proposed by the applicant are superficial.
2. It is not credible that this road is intended for agricultural use. It is clear that the intention of the Estate is to develop and or/sell Beaconsfield Farm for high-value residential development, as it has done at multiple locations within the Estate in recent years; the provision of a dedicated drive will significantly add to the value of such a development.
3. It is not credible that the Estate would go to this level of expense and effort solely to improve access for farm machinery.
4. The following is an extract from original refusal - "...the new access track results in unacceptable urbanisation of the land...to the detriment of the local character,... and could set an unwanted precedent for further development"
5. On the basis of the observations of items 2 and 3, we consider that the objections noted in item 4 continue to be valid.
6. There are no meaningful public benefits to this proposal. Even if the road were being constructed purely for farm machinery access, it would have very little public impact on Ledwell Lane, since such vehicles must anyway drive down Ledwell Lane from the Estate Hub; this road means that the vehicles in fact will drive slightly further down the lane.
7. The impact to Soho Farmhouse traffic is more significant, but this is a private members club, one of the many development schemes undertaken by Great Tew Estate, and if there is a real impact here the Estate could have and should have understood these implications a long time ago and in a holistic way.
8. Noting the above, the density of development around the Estate, to which this road will ultimately contribute, is not consistent with Policy OS2 of the emerging West Oxfordshire Local Plan 2031, and such development is not justified by public benefit.
9. The proposal does not preserve or enhance the areas heritage

assets, including Great Tew Park, Beaconfield Farm and Beaconsfield Roman villa. Archaeological features have possibly been destroyed in the carrying out of the works. The Council's original objections were referenced to Policy EH7 should stand.

10. An additional junction on Ledwell Lane can only have a negative impact on road safety in this stretch of road.

11. Great Tew Estate is an experienced developer, with ready access to expert advice and substantial funds to pay for such advice (which advice has now been sought to support this second retrospective application) For such an organisation to carry out large works in advance of seeking Planning Permission shows a cynical disregard for the planning process. The Estate has surely made a judgement that its best chance of carrying out controversial works is to present them to the Planning Committee as a fait accompli. In rejecting the first retrospective application, the Planning Committee made clear that this was a miscalculation. It should do so again with this application.

On the basis of the points above, we strongly object to the proposal and urge the Planning Committee to reject it.

1.4 Parish Council No Comment Received.

2 REPRESENTATIONS

2.1 24 objections have been received. The objections refer to the following matters:

- This proposal will have a negative impact on the local wildlife and ecology.
- It would be dangerous and unnecessary to add another junction onto Ledwell Lane when there is a existing access to site already available which is also suitable for farm machinery.
- Farm machinery would not require an access track such as this so it looks likely to be used for residential use in association with the main dwelling.
- The track will be used as a personal driveway and not for farm machinery and vehicles.
- The track is for long term use.
- These works have caused potential damage to the valuable historic sites.
- The proposal is not consistent with Policy OS2.
- The damage to sites of historic interest is in complete contradiction of Policy EH7.
- The proposal is not consistent with local or national plans.
- This junction will cause an increase in traffic due to the suggested large farm machinery. These vehicles demand a much slower driving speed which will add to congestion.
- This application provides no public benefit.
- It is urbanisation of a rural area and will result in the loss of good agricultural land.

3 APPLICANT'S CASE

3.1 The agent has submitted a Planning Statement which is available on the Council's website but the conclusion is as follows:

- Beaconsfield Farm is largely an arable farm extending to approximately 450 acres (200 hectares). Historically, Beaconsfield Farm was managed and farmed by tenant farmers. The

previous tenant left Beaconsfield Farm and some of the land on the 29th September 2017 when this was returned to the Estate. The balance of the land returns to the Estate on the 28th September 2018.

- The agricultural need for the access track arises from the conflict between the size and nature of the agricultural vehicles serving Beaconsfield Farm and traffic along Tracey Lane associated with Soho Farmhouse.
- The size, nature and manoeuvrability of the agricultural vehicles also informed the width and alignment of the access track, primarily to ensure that recognised health and safety standards are maintained.
- The preceding report has demonstrated that the proposed development would constitute agricultural permitted development should the scheme have been subject to the prior notification procedure.
- OCC as highway authority in considering the previous application recognised the public benefits that would be secured through the removal of agricultural traffic from Tracey Lane.
- In terms of visual impact of the access track, it has been demonstrated that the proposed mitigation measures will have near instant positive visual impact. The proposed mitigation measures link back to the enhancement priorities of the area character assessment and will restore a mosaic of woodland and farmland.
- The report prepared by Oxford Archaeology demonstrates that the proposed development will have no impact upon the setting of heritage assets. The report also identifies that in terms of below ground heritage assets, any archaeological remains would have previously been disturbed by agricultural features such as ploughing,;
- Notwithstanding this there are no policies within the local plans or NPPF which would specifically exclude this form of development. Furthermore, it is argued that the provision of the track, to enable the safe operation of the farm supports the rural economy in line with the guidance of the NPPF.
- It has therefore been demonstrated that the scheme complies with the relevant policies of the Local Plan and that there are no material considerations which indicate that development should not be supported. On this basis it is requested that the scheme is approved without delay in accordance with paragraph 14 of the NPPF.

4 PLANNING POLICIES

EH2 Landscape character

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

EH15 Scheduled ancient monuments

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks retrospective consent for the construction of an agricultural access track on land North of Beaconsfield Farm. The track provides access between Ledwell Road and Beaconsfield Farm to be used in association with the agricultural operation which is part of the wider Great Tew Estate. Beaconsfield Farm benefits from an existing access which joins Tracey Lane and gives direct access onto Ledwell Lane. The site sits immediately south of Grade II listed Great Tew Park and Gardens and Beaconsfield Farm itself comprises of a series of Grade

II listed buildings. Furthermore, Beaconsfield Farm Roman Villa is a scheduled ancient monument which sits South West of the application site area.

- 5.2 This application follows a refused retrospective application also seeking the construction of an agricultural access track under reference 17/04161/FUL.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 The principle of providing a new access is acceptable. It is the landscape/heritage etc implications that are the key issues in the assessment of the merits of this application and which are discussed in more detail below.

Siting, Design and Form

- 5.5 The retrospective agricultural access track is located in close proximity to the Beaconsfield Farm Roman Villa and so there is a need to protect this site from further potential damage. The access track is visible from the public right of way and because it does not hug the field edge and has been fenced currently appears as an alien feature which stands out against the prevailing surrounding landscape of agricultural fields and rural development. The materials used do not read as a traditional agricultural track and the post and rail fence also hinders this function. These were concerns that led to the earlier proposal being refused.
- 5.6 In contrast the new proposals involve removing the fence in the longer term, planting a hedge and additional trees and covering the track with a layer of soil which will in time grass over. At that point it will appear much more rural in form and much less intrusive to the wider landscape and the setting of the heritage assets. With conditions to require the timing of the ameliorative works this aspect is considered to have been resolved.

Highways

- 5.7 The Highway Authority was consulted on this application and no objection was received.
- 5.8 The Highways Authority raised no objections to the previous retrospective application subject to the section of track over the highway verge and to a distance of 10m from the carriageway being constructed and surfaced with tarmac to prevent loose material from being tracked out into the highway. The County Council noted that the agricultural traffic crossing the bridleway should pose no more of a risk than similar vehicles using the public highway and so would not pose such harm as to warrant the refusal of the application on grounds of safety and convenience.

Landscape

- 5.9 In terms of the impact on the landscape, whilst part of the track follows a historic field boundary, a significant section of the retrospective development cuts through the open countryside and a large section of the track is highly visible from the public right of way. The West Oxfordshire Landscape Assessment identifies this site as falling within the Ironstone

Valleys and Ridges sub area. This landscape is characterised by its complex landform and intricate patchwork of fields, hedges and woodland to create a rich pattern of landscape. This site is identified as estate farmland which is made up of large scale patterns of fields which are typically bounded by large belts of woodland or line of mature trees.

- 5.10 It is proposed that the post and rail fence will be planted with an indigenous hedgerow, where the fence will be removed once the hedgerow is established to lessen the transformative impact on the open countryside and better retain the traditional pattern of landscape within the local rural area. In addition to this it is proposed that the hardcore track is to be surfaced with 50mm 'rootzone' soil and seeded with drought tolerant grass mix. Trees will be planted to form a new copse now it has been established what the extent of the areas of archaeological interest are ie where the tree roots will not cause further damage.

Heritage

- 5.11 The application site area is book ended by heritage assets. Grade II Listed Great Tew Park and Gardens sits immediately north of the track, and a range of Grade II Listed buildings alongside the scheduled ancient monument, Beaconsfield Farm Roman Villa, sits to the south of the track. Members are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.
- 5.12 Clearly it is at best very unfortunate that the works were undertaken in advance of the necessary archaeological investigations being undertaken. This may have caused irreversible damage.. That having been stated the applicant has acknowledged the error and has undertaken investigative works way in excess of what would have been required had the works been prospective rather than retrospective such that the knowledge about the extent and nature of remains in the area has been enhanced. Additionally Officers have been careful to seek to ensure that any works of 'enforcement/remediation' did not themselves cause further damage or further confuse the spread and horizons of the architectural deposits. The solution, namely leaving the track in place but grassing it over will protect the remains on the line of the track and the setting of those surrounding and additionally will reduce the visual impact to that of a field track as opposed to a residential thoroughfare. OCC Archaeology are satisfied that this represents an appropriate response to the works undertaken.

Conclusion

- 5.13 What would normally have been a fairly minor application has been substantially complicated by the fact that works were undertaken in advance of the necessary archaeological investigations. However the applicant has recognised that error and has worked with officers to seek to ameliorate any harms and to provide a much greater level of investigation than would have usually been expected of an application of this scale. With the ameliorative works Officers consider that the reasons for previously withholding consent have been overcome and conditional approval is recommended.

6 RECOMMENDATION

Officer to report details of the conditions but to include:

Time limits for compliance with ameliorative works

Protection of adjoining archaeology

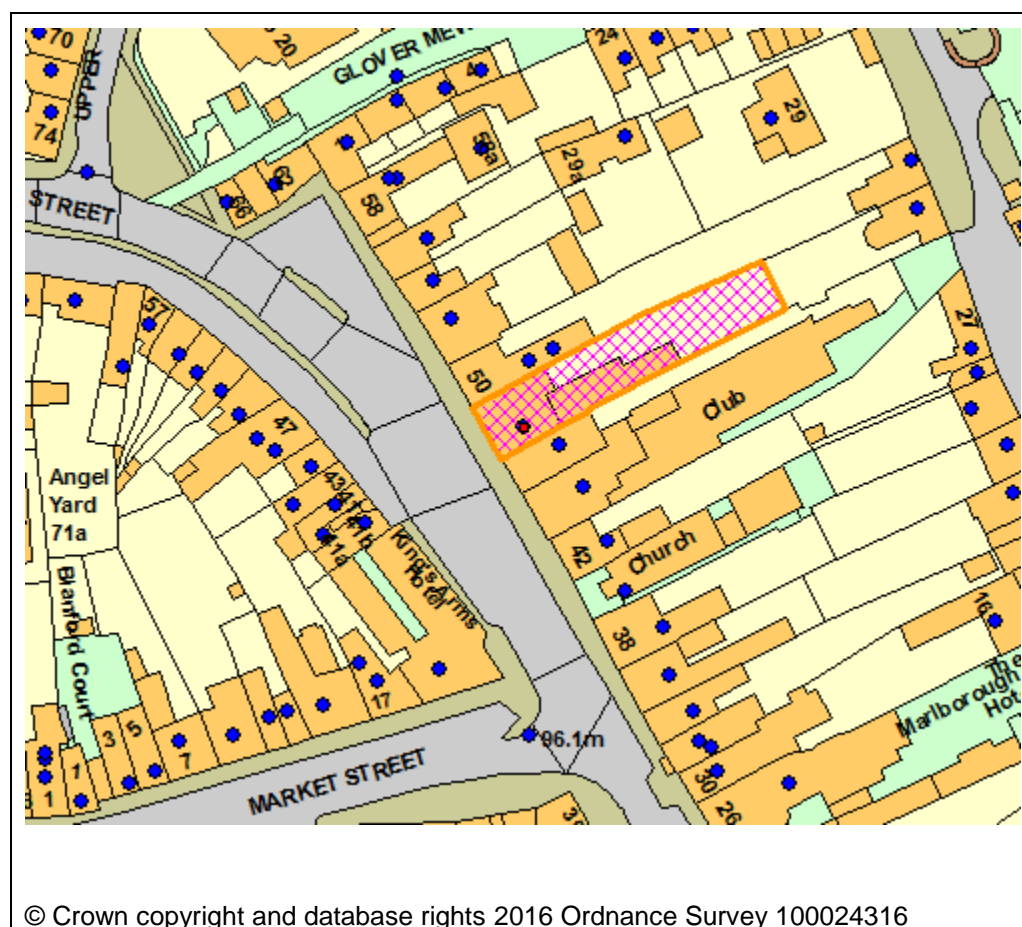
Landscape scheme implementation and maintenance

Note regarding agricultural use only approved

Note regarding potential for further archaeological constraints as regards redevelopment of Beaconsfield Farm as suggested by OCC

Application Number	19/01954/HHD
Site Address	48 Oxford Street Woodstock Oxfordshire OX20 1TT
Date	23rd October 2019
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Woodstock Town Council
Grid Reference	444566 E 216826 N
Committee Date	4th November 2019

Location Map



Application Details:

Internal and external alterations to erect a single storey rear extension to form garden room.

Applicant Details:

Mr & Mrs Clark, 48 Oxford Street, Woodstock, Oxfordshire, OX20 1TT

I CONSULTATIONS

- 1.1 Town Council Woodstock Town Council has no objection to the above applications.

2 REPRESENTATIONS

- 2.1 No representations received

3 APPLICANT'S CASE

No supporting statement was required for this application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The property is a traditional natural stone terraced dwelling in the town centre of Woodstock and within the Conservation Area. The dwelling is Listed (List Entry Number: 1203971) and the bakehouse to the rear is specifically mentioned within the listing:-

"Early C18. Squared and coursed limestone; gabled concrete tile roof; end stack of stone finished in late C19 brick. L-plan with rear right wing. 2 storeys and attic; 3-window range. Timber lintels over C19 beaded 6-panelled door with overlight to through-passage on left, and over C20 door. Late C19 square bay window; flat stone arches over early C19 eight-pane sashes and C20 light over door. Hipped roof dormers. Attached to rear of rear wing is 2-storey range, former bakehouse, of similar materials; has 2 plank loft doors. Interior: lightly chamfered beams; first floor not inspected. Bakehouse range has bakeovens to centre and butt-purlin roof."

- 5.2 The Council must have regard to section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area and which affects a listed building or its setting. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.3 Following an application submitted earlier in the year (19/00325/HHD & 19/00326/LBC), a site visit was completed and it came to light that the current extension at the rear of 48 Oxford

Street does not appear to have consent (planning or listed building). A search of planning and listed building consents identified the following applications:-

- 5.4 Application 97/1336 & 97/1337 - Conversion of existing bakehouse & stable to form ancillary accommodation including formation of new dormer, internal & external alterations.
- 5.5 In this application there is no evidence of any consent for the extension - it only refers to the bakehouse being an ancillary building; and is conditioned to be used as such, not to be used as a separate residence. In this application the proposed plans clearly shows two separate buildings: the house, and the bakehouse - e.g. it shows two separate kitchens.
- 5.6 Following correspondence with the agent it was advised that the application should be withdrawn, with a further application submitted for an improved version of the existing to regularise to development.
- 5.7 Despite this specific request, the applicant did not submit an application as advised and have submitted the current application instead.
- 5.8 Therefore taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key consideration of the application is:

Design and Impact on Conservation Area

- 5.9 As referenced above, we have indicated that an improved scheme similar in size and form to the existing could be acceptable (subject to design) however the applicant chose to submit the proposed which is a much larger 7m extension. As identified in the Conservation Officers consultation response, the proposed would have a harmful impact on the significance and character of this listed building by transforming the plan form, and obscuring the rear façade of the building, including form and façade of the bakehouse, and will mean that the courtyard plot is further infilled.
- 5.10 "The draft Woodstock Conservation Area Appraisal (2019) shows that there are significant boundary walls to the rear of 48 Oxford Street; which may delineate original burgage plots. Where there is possible evidence of burgage plots, (which are now becoming increasingly rare), the Council would wish to see their form respected. Therefore, by further infilling this rear courtyard will obscure the significant walls, and not respect the character of this plot. Furthermore, Policy EH13 of the Local Plan 2031 states: that in determining applications that affect the historic character of the townscape, particular attention must be paid to the degree to which the form and layout of the development will respect and build on the pre-existing historic character; this includes street and building layouts. Also, that attention must be paid to the degree to which the form, scale, and massing conserves or enhances the special historic character of its surroundings.
- 5.11 The current proposal does not respect the pre-existing historic character and form of the listed building or its surrounding, nor does it respect the special qualities and historic character of Woodstock Conservation Area."
- 5.12 Policy EH9 states that 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 benefit. The proposed does not offer any public benefit to outweigh the harm therefore clearly contrary to policy.

Other Material Considerations

- 5.13 Other material considerations in this case include impact on the streetscene and neighbouring amenity. It is officer opinion that the proposed development would not have an adverse impact on these matters.

Conclusion

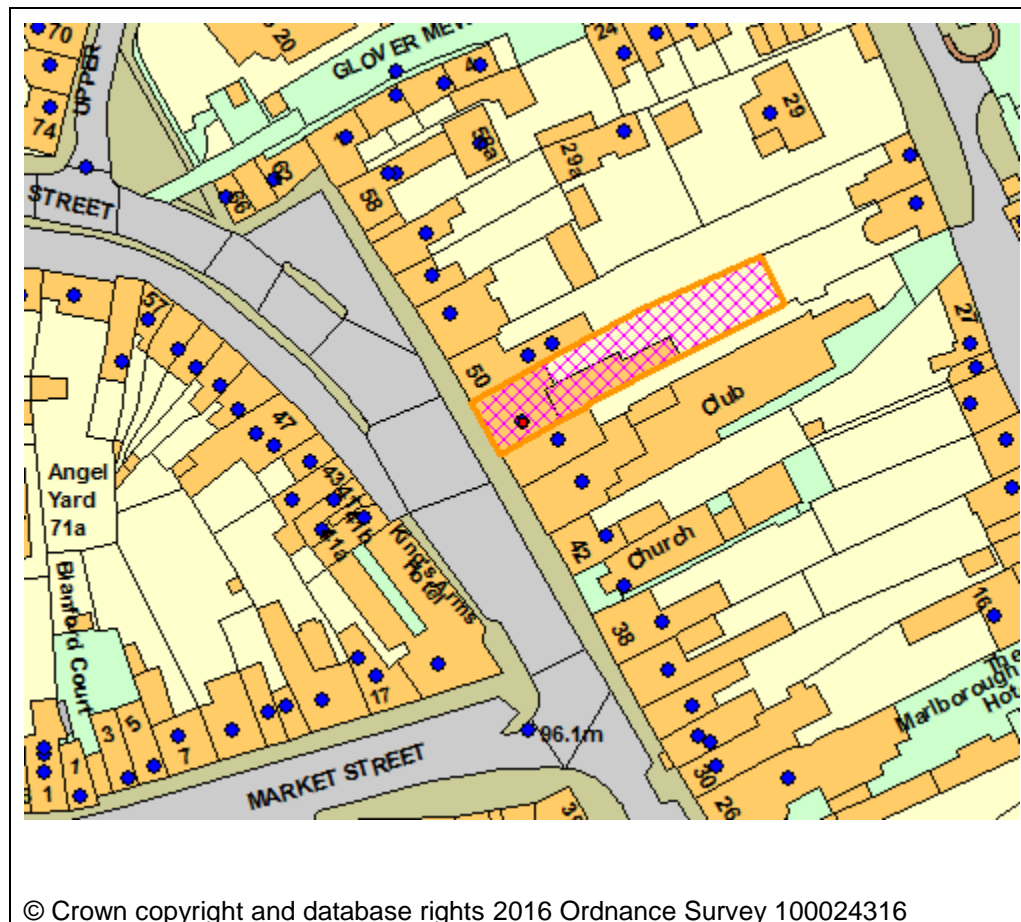
- 5.14 Officers therefore consider that the siting, scale and form are inappropriate and does not conserve or enhance the special historical and architectural character and significance of this listed building. Instead, it would have a negative impact, by not only altering the plan form and obscuring the rear façade of the building, including form and façade of the bakehouse, but further infilling of this courtyard would not respect the form and pre-existing historic townscape character, and would obscure its significant boundary walls. Therefore it would not conserve or enhance the special qualities and appearance of the Woodstock Conservation Area and would harm the Listed Building and its setting and would be contrary to Local Plan policies OS2, OS4, H6, EH9, EH10, EH11 and EH13.

6 REASON FOR REFUSAL

- I The proposed development by reason of siting, scale and form fails to conserve or enhance the special historical and architectural character of this listed building. Instead, it would have a negative impact, by not only altering the plan form and obscuring the rear façade of the building, including form and façade of the bakehouse, but further infilling of this courtyard would not respect the form and pre-existing historic townscape character, and would obscure its significant boundary walls. Therefore, it would not conserve or enhance the special qualities and appearance of the Woodstock Conservation Area. As such, the proposed development would conflict with policies OS2, OS4, H6, EH9, EH10 and EH13 of the Adopted West Oxfordshire Local Plan 2031, the NPPF and the West Oxfordshire Design Guide.

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Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Woodstock Town Council
Grid Reference	444566 E 216826 N
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Location Map



Application Details:

Internal and external alterations to erect a single storey rear extension to form garden room.

Applicant Details:

Mr & Mrs Clark, 48 Oxford Street, Woodstock, Oxfordshire, OX20 1TT

I CONSULTATIONS

- 1.1 Conservation Officer See full response
 "The proposal in its current form does not conserve or enhance the special historical and architectural character and significance of this listed building - instead it would have a deleterious impact, transforming the plan form, and obscuring the rear façade of the building, including form and façade of the bakehouse. Furthermore, the proposed infilling of this courtyard - does not respect the form and pre-existing historic townscape character, and obscures its significant boundary walls (likely to delineate former burgage plots), and therefore it would not conserve or enhance the special qualities and appearance of the Woodstock Conservation Area. Therefore, the less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits; consequently, I raise an objection."
- 1.2 Town Council Woodstock Town Council has no objection to the above applications.

2 REPRESENTATIONS

- 2.1 No representations received

3 APPLICANT'S CASE

No supporting statement was required for this application

4 PLANNING POLICIES

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is brought before Members of the Uplands Planning Sub-Committee for consideration as the view of the planning officer was contrary to that of the Woodstock Town Council.
- 5.2 The property is a traditional natural stone terraced dwelling in the town centre of Woodstock and within the Conservation Area. The dwelling is Listed (List Entry Number: 1203971) and the bakehouse to the rear is specifically mentioned within the listing:-

"Early C18. Squared and coursed limestone; gabled concrete tile roof; end stack of stone finished in late C19 brick. L-plan with rear right wing. 2 storeys and attic; 3-window range.

Timber lintels over C19 beaded 6-panelled door with overlight to through-passage on left, and over C20 door. Late C19 square bay window; flat stone arches over early C19 eight-pane sashes and C20 light over door. Hipped roof dormers. Attached to rear of rear wing is 2-storey range, former bakehouse, of similar materials; has 2 plank loft doors. Interior: lightly chamfered beams; first floor not inspected. Bakehouse range has bakeovens to centre and butt-purlin roof."

- 5.3 The Council must have regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal which affects a listed building or its setting. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations are not considered to have a detrimental impact to the character or setting of the listed building, given the nature of what is proposed and its location. As such, the character or setting of the listed building is preserved.
- 5.4 Following an application submitted earlier in the year (19/00325/HHD & 19/00326/LBC), a site visit was completed and it came to light that the current extension at the rear of 48 Oxford Street does not appear to have consent (planning or listed building). A search of planning and listed building consents identified the following applications:-
- 5.5 Application 97/1336 & 97/1337 - Conversion of existing bakehouse & stable to form ancillary accommodation including formation of new dormer, internal & external alterations.
- 5.6 In this application there is no evidence of any consent for the extension - it only refers to the bakehouse being an ancillary building; and is conditioned to be used as such, not to be used as a separate residence. In this application the proposed plans clearly shows two separate buildings: the house, and the bakehouse - e.g. it shows two separate kitchens.
- 5.7 Following correspondence with the agent it was advised that the application should be withdrawn, with a further application submitted for an improved version of the existing to regularise to development.
- 5.8 Despite this specific request, the applicant did not submit an application as advised and have submitted the current application instead.
- 5.9 Therefore taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key consideration of the application is:

Siting, Design and Form

- 5.10 As referenced above, we have indicated that an improved scheme similar in size and form to the existing could be acceptable (subject to design) however the applicant chose to submit the proposed which is a much larger 7m extension. As identified in the Conservation Officers consultation response, the proposed would have a harmful impact on the significance and character of this listed building by transforming the plan form, and obscuring the rear facade of the building, including form and facade of the bakehouse, and will mean that the courtyard plot is further infilled.
- 5.11 "The draft Woodstock Conservation Area Appraisal (2019) shows that there are significant boundary walls to the rear of 48 Oxford Street; which may delineate original burgage plots.

Where there is possible evidence of burgage plots, (which are now becoming increasingly rare), the Council would wish to see their form respected. Therefore, by further infilling this rear courtyard will obscure the significant walls, and not respect the character of this plot. Furthermore, Policy EH13 of the Local Plan 2031 states: that in determining applications that affect the historic character of the townscape, particular attention must be paid to the degree to which the form and layout of the development will respect and build on the pre-existing historic character; this includes street and building layouts. Also, that attention must be paid to the degree to which the form, scale, and massing conserves or enhances the special historic character of its surroundings. The current proposal does not respect the pre-existing historic character and form of the listed building or its surrounding, nor does it respect the special qualities and historic character of Woodstock Conservation Area."

- 5.12 Policy EH9 states that 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 benefit. The proposed does not offer any public benefit to outweigh the harm therefore clearly contrary to policy.

Conclusion

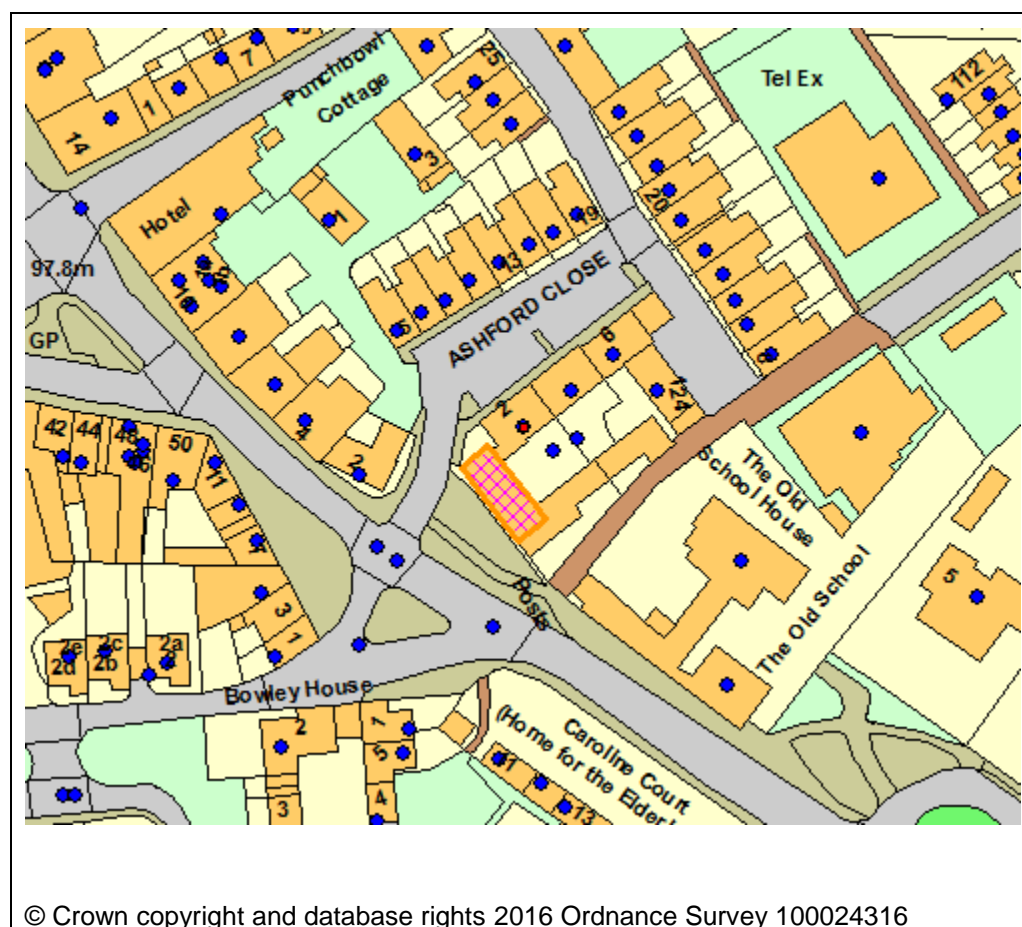
- 5.13 Officers therefore consider that the siting, scale and form are inappropriate and does not conserve or enhance the special historical and architectural character and significance of this listed building. Instead, it would have a negative impact, by not only altering the plan form and obscuring the rear facade of the building, including form and facade of the bakehouse, but further infilling of this courtyard would not respect the form and pre-existing historic townscape character, and would obscure its significant boundary walls to the detriment of its setting. Therefore the proposed development would be harmful to the Listed Building and its setting in conflict with Local Plan policy EH11.

6 REASON FOR REFUSAL

- 1 The proposed development by reason of siting scale and form fails to conserve or enhance the special historical and architectural character and significance of this listed building. The alternation of the plan form and obscuring of the rear facade of the building, including the form and facade of the bakehouse, with further infilling of the courtyard would not respect the form and setting of the Listed Building in conflict with Local Plan policy EH11 of the Adopted West Oxfordshire Local Plan 2031 and the NPPF.

Application Number	19/02266/FUL
Site Address	2 Ashford Close Woodstock Oxfordshire OX20 1FF
Date	23rd October 2019
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444708 E 216660 N
Committee Date	4th November 2019

Location Map



Application Details:

Change of use of part of the former Woodstock station building to a flexible use for purposes falling within Class B1 or for ancillary residential use associated with 2 Ashford Close, Woodstock

Applicant Details:

L & S Cave, 2 Ashford Close, Woodstock, Oxfordshire, OX20 1FF

I CONSULTATIONS

- I.1 Town Council WTC opposes this application. Mindful of the history especially its campaign more than 10 years ago to preserve the area known previously as Young's Garage and its character as the setting of the former Railway Station from inappropriate development. For that reason considers that this change will conflict with the strengths of the original planning decision to preserve the railway building and the furtherance of employment opportunities on the site.
- I.2 Historic England Historic England do not wish to comment on this application.
- I.3 Conservation Officer The former station building is a locally listed building and makes a positive contribution to the character and appearance of the Woodstock Conservation Area.

The proposal is a change of use of part of the former Woodstock station building to a flexible use for purposes falling within B1 or for ancillary residential use associated with 2 Ashford Close.

The proposal is supportable, because it will allow a viable use for this building to ensure its retention for the future. Therefore, I raise no objection to the proposal in its current form, notwithstanding, to ensure the preservation of this building, I recommend that the details of conversion - including design, materials and any works associated with the change of use (e.g. insertion of walls, services, windows, changes to roof, insulation etc.) are submitted and approved by the Local Authority prior to commencement.

This proposal in its current form complies with national and local legislation and policy, this includes Local Plan Policy EH9, EH10, E12 and EH16, and NPPF Section 16.

2 REPRESENTATIONS

No third party representations received to date. (consultation period expired 16.10.19)

3 PLANNING POLICIES

E1NEW Land for employment

NPPF 2019

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

EH12 Traditional Buildings

EH16 Non designated heritage assets

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

4 PLANNING ASSESSMENT

Background Information

- 4.1 The site is within Woodstock town centre, and the Conservation Area. 2 Ashford close was developed as part of planning application no. 11/0153/P/FP for the 'retention of (the former station building), demolition of extension to Young's Garage and other outbuildings.
- 4.2 The application seeks consent to change the office associated with No. 2 to flexible use for either BI or ancillary residential. The proposal does not seek any external alterations to the building in question.
- 4.3 Relevant to this application is 15/00169/FUL for the retrospective change of use of existing workshop to a flexible use for purposes within Use Class BI or for ancillary residential purposes No .6 Ashford Close, Woodstock. This was approved in April 2015.
- 4.4 The application is before committee as the Town Council are objecting to the proposal and Officers are recommending approval.
- 4.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Impact on Residential Amenity

Impact on Woodstock Conservation Area

Principle

- 4.6 The workshop is part of the former station building; access to the workshop is solely through the private garden of No.2 Ashford close. Neither building is listed; however the workshop is considered a non-designated heritage asset. Further, the workshop is located within a highly prominent location within the street scene, from Oxford Road and Rectory Lane and is situated within the Woodstock Conservation Area.
- 4.7 The BI use was specified under condition 17 the original granting planning consent as follows:

The workshops as detailed on plan 2385.12 Rev A shall be used for BI purposes and for no other purpose (including any other purpose in Class B of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the use specified due to the close proximity of neighbouring properties (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan, 2011).
- 4.8 The West Oxfordshire Local Plan (WOLP) policy E1 - 'Land For employment' states that non-employment uses on employment sites will be refused except in circumstances where it can be demonstrated that the site is not reasonably capable of being uses for employment purposes or/and unsuitable on amenity, environmental or highways.

- 4.9 The occupiers of 2 Ashford close have advised in their design and access they have no current use for the workshop under BI purposes. Given that the access to the workshop is through the private garden of No. 2 Ashford Close, officers are of the opinion that the retention of the BI use and change of use to include ancillary uses in association with the main property would be in accordance with this policy. This flexibility would allow for use as BI by future occupiers. Officers have considered the use of the workshop by private occupiers and ruled such private use would create unacceptable living conditions for the host dwelling in terms of overlooking, access and noise
- 4.10 Furthermore, the change from BI to ancillary at no. 6 Ashford Close was considered by Officers and approved in 2015.

Residential Amenity

- 4.11 Officers have considered the proposed change of use in consideration to the impact on residential amenities and given that there are no proposed external changes to the building and the use is to remain either BI or domestic, there would be no detrimental impact to the immediate neighbouring properties.

Impact on Conservation Area

- 4.12 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed change of use does not seek to alter the external fabric of the building as such the proposed change of use would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Conclusion

- 4.13 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS4, E1, EH9, EH10, EH12 and EH16 of the West Oxfordshire Local Plan 2031, and the relevant paragraphs of the NPPF.

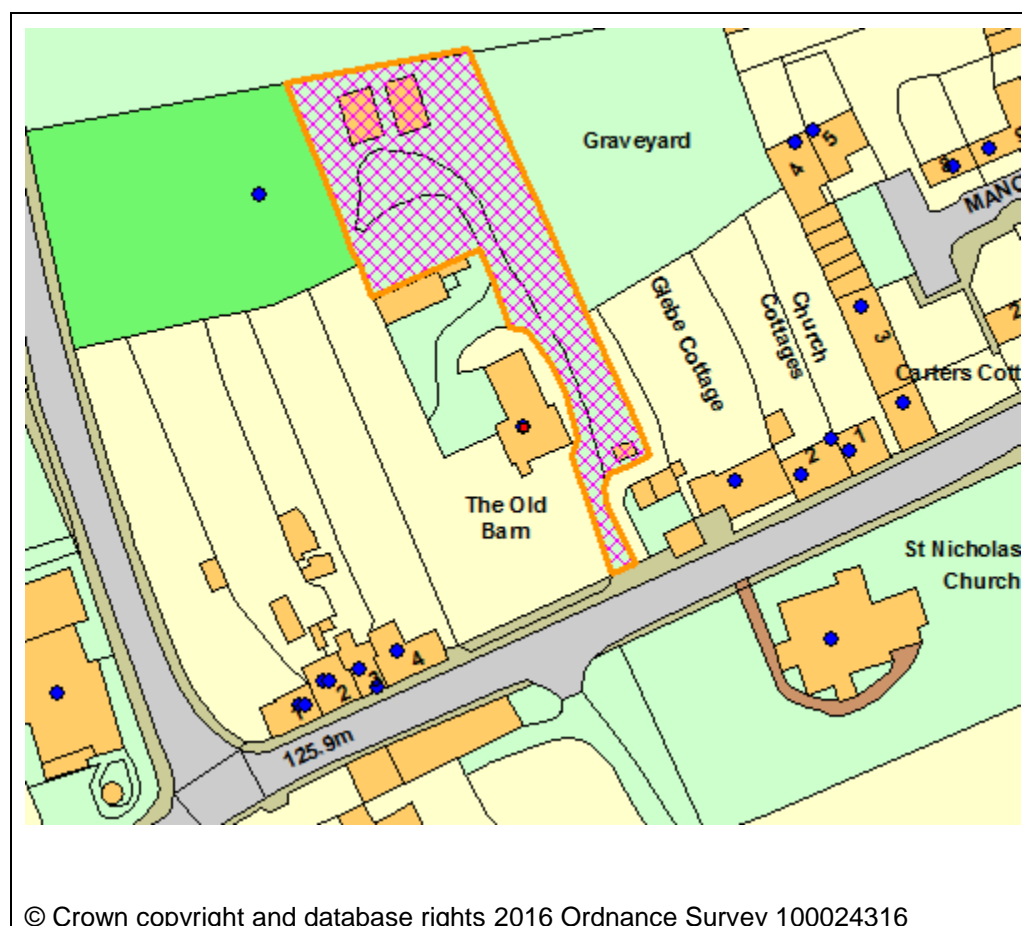
6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

- 3 The workshop subject of this application shall be used for the purposes of B1 Use and ancillary uses to the main dwelling at 2 Ashford Close (C3), and for no other purpose (including any other purpose in Class B of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the uses specified because of the special circumstances of the site.

Application Number	I9/02332/FUL
Site Address	The Old Barn East End Chadlington Chipping Norton Oxfordshire OX7 3LX
Date	23rd October 2019
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	43315 E 222064 N
Committee Date	4th November 2019

Location Map



Application Details:

Erection of two detached dwellings.

Applicant Details:

Mr D And W Townsend, c/o Agent.

I CONSULTATIONS

- I.1 Conservation Officer Context: A site adjacent to unlisted traditional and more recent buildings. Not in the Conservation Area, but in the AONB, in the Burford/Charlbury sub-area, and also on the edge of open countryside, with the potential for long views.
- Opinion: The proposed houses would be of the usual fairly innocuous, neo-vernacular form. However, they are made somewhat bulky by the inclusion of integral double garages, whilst the adjacent rooflights and dormers on the garage wings appear arbitrary - and surely pairs of dormers would be happier. But the main issue, from our point of view, is the principle of development here. The site is on the edge of the settlement, and whilst there are barns on the site, they are of somewhat ephemeral form. The proposed houses would carry permanent, solidly built development away from the main route, giving a harder edge, prominent from Church Road, and also from the landscape to the north. I do note that there are buildings on a similar alignment to the east, in Manor Court, although these are very low-lying converted agricultural buildings. So, in short, this development would be uncharacteristic.
- Recommendations: Refuse permission.
- Reasons: Appears incompliant with policies OS4, EH1 and BC1.
- I.2 WODC Env Health - Uplands I have No Objection in principle and no conditions to recommend.
- I.3 WODC Drainage Engineers No Comment Received.
- I.4 Thames Water No Comment Received.
- I.5 WODC Landscape And Forestry Officer No Comment Received.
- I.6 Parish Council Chadlington Parish Council have no objection to this application.

2 REPRESENTATIONS

- 2.1 Two separate representations have been made by neighbours, making the following points:-
- The site has not been used as a haulage yard for many years;
 - The access to the proposed dwellings will be via a narrow unpaved track.
 - Access could be an issue
 - The site is not large enough to comfortably accommodate the two large dwellings especially bearing in mind that each dwelling is likely to require parking for at least two cars.

3 APPLICANT'S CASE

3.1 In support of the application, the applicant's agent has stated the following:-

- OS2 and H2 are policies which positively provide in favour of residential development and the Council does not have a moratorium on new housing. The wording of BCI is to seek about 774 new homes - which this proposal would accord with and in terms of local need - I note the support of the Parish Council.
- The proposed 2 dwellings would be of a fairly minor scale compared to the total number of dwellings within East End and very minor scale compared to Chadlington as a whole. There are no proposals for significant number of dwellings nearby which would otherwise cause an undesirable cumulative impact on locality.
- The application site is already built up and contains a number of large buildings. These have been a part of the built-up area of the village for at least 70 years and their replacement with 2 new dwellings - which are sited slightly further to the south and thus closer to other building in the vicinity would not be harmful to the pattern or character of development in the area. Whilst East End is mainly linear in form, the presence of buildings in this location already, where they are anyway visible from the public realm, dictates that the proposals are not harmful to the character of the area. It is further noted that from public views the proposed dwellings would be seen in the context of the other buildings on the eastern side of the cemetery at Manor Court and thus be in keeping with existing layout of development within Chadlington.
- The main views of the site from publicly accessible locations are from Church Road to the west, where there are views of the site across the paddock to the immediate west. Here the site is seen in the context of existing development and with the backdrop of the existing mature vegetation on this and neighbouring sites. Other views are available from within the cemetery however from here the existing somewhat unkempt haulage yard would be replaced with vernacular dwellings and attractive landscaped grounds and this would not be detrimental to the character of the area. Otherwise the replacement of the existing buildings with new vernacular dwellings within a village context can be considered to enhance the scenic beauty of the AONB within which the site is located.
- An unlimited haulage contractors yard to the rear of an unrelated residential property must be a bad neighbour use. There are no conditions linking the yard and The Old Barn and the driveway is shared. Access to the yard is past the dwelling and in fairly close proximity to it, as well as close proximity at the exit to the footpath and other dwellings. The large vehicles that might be associated with such a use, which could operate at whatever level it sees appropriate without limit, would have a significant impact on the amenity of the Old Barn and the enjoyment of uses of the path, next door cemetery and other dwellings. The access similarly limits other employment generating uses, and the site and buildings are only really useful as a storage yard - which would entail similar issues.
- There is substantial benefit to the community both in the removal of potential large vehicle movements from the site access point and in the benefit of the loss of the unsightly and potentially intrusive bad neighbour use alongside the village cemetery - the atmosphere of which would be improved as a result of the proposed development.

4 PLANNING POLICIES

E1NEW Land for employment
 BC1NEW Burford-Charlbury sub-area
 OS2NEW Locating development in the right places
 H2NEW Delivery of new homes
 EH1 Cotswolds AONB
 EH2 Landscape character
 OS4NEW High quality design
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background

- 5.1 This is an application for the demolition of single-storey, open-fronted storage buildings and the construction of two detached dwelling houses on land to the rear of the Old Barn, East End, Chadlington. A previous application (19/00617/FUL) was withdrawn in April this year following Officers' indication that the proposal was not supportable on the grounds of highway safety, extension beyond existing dwellings without forming a logical complement to the settlement pattern and lack of housing need.
- 5.2 The application has now been re-submitted, with information on the planning history of the site. The applicant's agents have provided evidence that they claim supports the existence of an established lawful use as a haulage company dating back approximately one hundred years. The most recent permission was granted in 1950 for the erection of one of two of the structures on the site stated to be required in connection with the haulage business. The application asserts that the haulage use is now operated with small haulage vehicles but remains extant and active.
- 5.3 Chadlington has both a linear and dispersed settlement character and is comprised of five "Ends". Although it is not designated as a Conservation Area, it falls within the Cotswolds AONB. The site is situated towards the eastern edge of the village, on the northern side of East End which runs through the village connecting it to the Chadlington Road which links to Spelsbury to the east. The site is located directly behind the Old Barn, a residential dwelling house and is bordered by fields to the north and west and a cemetery immediately to the east. There are views from the site to the grade II* listed St Nicholas Church close by to the south.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF 2019 is a material consideration in any assessment. Paragraph 12 of the NPPF provides that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

- 5.6 The site is designated within the West Oxfordshire Local Plan 2031 ("WOLP") as falling within the Burford-Charlbury sub-area. Chadlington is identified as a village under the settlement hierarchy. Policy OS2 provides that villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. It provides that all development should form a logical complement to the existing scale and pattern of development and/or the character of the area and goes on to state that proposals for residential development will be considered in accordance with Policy H2.
- 5.7 Policy H2 provides that in villages new dwellings will be permitted on previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal comes within the general principles set out in Policy OS2 and any other relevant policies in the plan. On undeveloped land within the built up area new dwellings will be permitted provided the proposal is in accordance with other policies in the plan and in particular the general principles in Policy OS2.
- 5.8 In light of the new evidence produced by the applicant, the application is now assessed on the premise that the site may have an extant employment use and this being the case, Policy E1 provides that non-employment uses on employment sites **will be refused except** in the following circumstances:-
- Where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - Where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses;
 - Where the proposed use includes community, leisure or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6; or
 - Where substantial community benefits would be achieved by allowing alternative forms of development.
- 5.9 No evidence has been provided by the applicant to demonstrate that the site is not suitable for a continuing low-level employment use, or that any of the other circumstances set out in the policy applies. The provision of two market dwelling houses is not considered to confer "substantial community benefits" for the purpose of compliance with this policy. As such, there is a clear conflict with Policy E1.
- 5.10 Also applicable to the proposal is Policy BC1 which is a restrictive policy seeking to protect the character and appearance of the Burford-Charlbury sub-area, the great bulk of which lies within the AONB. This provides that development outside the rural service centres of Burford and Charlbury will be "limited to meeting local housing, community and business needs and will be steered towards the larger villages". In order to be consistent with the strategy, proposals for development must, amongst other things, conserve and enhance the AONB and support additional small-scale employment opportunities including sustainable tourism and rural diversification.

- 5.11 The applicant has not demonstrated need for housing on a local level. At District level, the WOLP demonstrates a 5 year supply of housing. A written Ministerial Statement further lowers the requirement in Oxfordshire to 3 years. As such, there is a clear conflict with Policy BC1.

Impact on the Cotswolds Area of Outstanding Natural Beauty

- 5.12 The site lies within the Cotswolds AONB, a nationally important designation requiring great weight to be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the WOLP and the NPPF. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in taking decisions that are relevant to the AONB.
- 5.13 The site is on the edge of the settlement and borders open countryside. At present it provides a softening transition between the more densely built-up part of the village and the open fields beyond. The existing structures are essentially utilitarian in common with other 20th century barns found throughout the countryside but are nevertheless low-key and not incongruous in the agricultural context, being single-storey and of weathered materials. The substitution of two-storey, permanent brick form would urbanise this mainly open site, extending the built form further towards the open countryside and providing a hard edge to the boundary of the settlement. The new dwellings would be visible in long views from the landscape to the north and from Church Road as well as from the adjacent cemetery, intruding into views of the Church.

Design

- 5.14 The proposal is for two similar "neo-Cotswold" dwellings made of stone with slate, or slate-substitute tiled roofs and timber windows. They are broadly vernacular in design and use of materials. The Conservation Officer has commented that the addition of the integral double garages makes the form rather bulky. On balance the design is considered acceptable however this does not affect officers' concerns in relation to the principle of development.

Highway Safety issues

- 5.15 When first consulted, County Council Highways recommended refusal on the basis that the access is sub-standard with limited visibility to the east. They have however withdrawn this objection in light of information that there is an extant lawful employment use on the site.

Amenity issues

- 5.16 Despite the potential for additional vehicular movements along a narrow access close to nearby dwellings, officers do not have any particular concern in relation to impact on amenity particularly in view of the possibility that the employment use might be reactivated at some point.

Conclusions

- 5.17 The proposal is in conflict with local and national policies in that:-

- (i) The applicant has not demonstrated that the site is not reasonably capable of being used or redeveloped for employment purposes or that other circumstances in Policy EI apply so as to allow non-employment use on an existing employment site;
- (ii) It is contrary to policy BCI, as the proposal is not necessary to meet local or housing needs and also directly conflicts with one of the aims of that policy that is, to support small scale employment opportunities;
- (iii) The development would extend urbanising built form into an open area that currently serves as a softening transition between the developed area of the village and the open countryside. The permanence and "bulkiness" of these relatively large dwellings will be prominent in views from the open spaces surrounding them, including from the landscape to the north and will intrude into views of the church. In officers' view the development would not conserve the rural character and appearance of the area and the natural and scenic beauty of the AONB, contrary to policies EH1, EH2 and OS2.

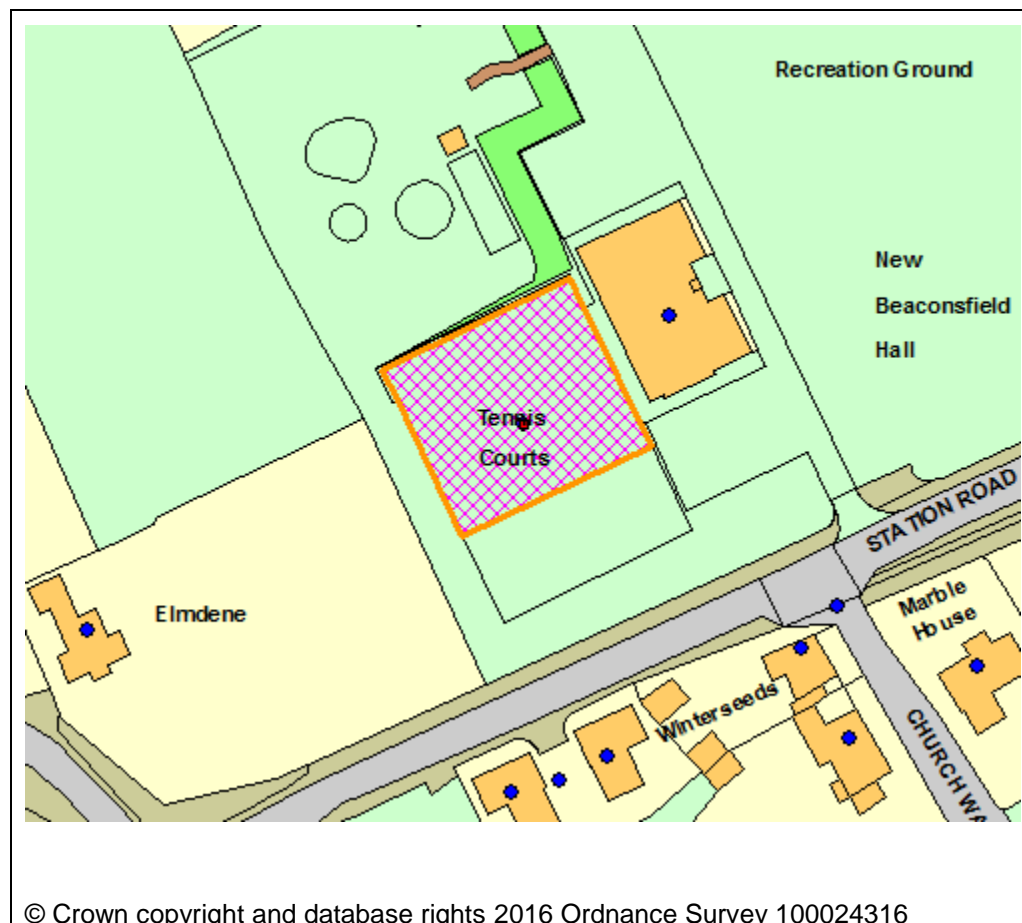
5.18 For these reasons and in the absence of material considerations of sufficient weight to justify departure from policy, this application is unacceptable in principle and so is recommended for refusal.

6 REASONS FOR REFUSAL

- 1 The loss of the existing employment use, in the absence of evidence from the applicant to demonstrate that one or more of the circumstances set out in policy EI applies so as to justify permission being granted, is directly contrary to policy EI of the West Oxfordshire Local Plan 2031 and paragraphs 83 and 84 of the NPPF.
- 2 In the absence of convincing evidence to demonstrate that the proposal is necessary to meet any local housing need and because the proposed change of use of the site from employment to residential is not consistent with the strategy's support for additional small-scale employment opportunities including sustainable tourism and rural diversification, the proposal conflicts with Policy BCI setting out the Burford-Charlbury sub-area strategy and Policy H2 of the West Oxfordshire Local Plan 2031.
- 3 The construction of the proposed two-storey residential dwellings and the establishment of corresponding residential planning units on a relatively open, low-key employment site will extend built form further outwards from the established settlement, urbanising the site and removing the softening transition between the built up area and the open countryside. The two-storey brick built houses will be prominent in views from the landscape to the north, from Church Road to the west and from the adjacent cemetery, with the effect that key views to St Nicholas' church will be impeded. This, the visual impact and the loss of the relatively undeveloped open space on the settlement boundary is considered to be harmful to the natural beauty and landscape of the Cotswolds AONB and the setting of the settlement, contrary to Policies EH1, EH2, OS2, OS4 of the West Oxfordshire Local Plan 2031 and paragraphs 12 and 172 of the NPPF.

Application Number	19/02459/FUL
Site Address	Tennis Courts Beaconsfield Hall Station Road Shipton Under Wychwood Oxfordshire
Date	23rd October 2019
Officer	Declan Jermy
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427804 E 218146 N
Committee Date	4th November 2019

Location Map



Application Details:

Installation of floodlights to provide lighting for two tennis courts.

Applicant Details:

Wychwoods Tennis Club, Tennis Courts, , Beaconsfield Hall,, Station Road, Shipton Under Wychwood, Oxon OX7 6BQ

I CONSULTATIONS

I.1 OCC Highways No Comment Received.

I.2 Biodiversity Officer Biodiversity recommendation: objection due to insufficient information on protected and priority species

The submitted Ecological Appraisal report dated 2 September 2019 prepared by Crossman Associates is considered to be insufficient as it does not include:

- o an updated data search obtained from the Thames Valley Environmental Records Centre (TVERC)
- o a thorough methodology for the bat survey and assessment
- o the detailed results of the bat survey and assessment
- o a survey of adjacent land for protected and priority species, including badgers and great crested newts
- o consideration of the impact on roosting birds in adjacent trees, including jackdaws and rooks

West Oxfordshire District Council was recently granted a district licence for great crested newts by Natural England as part of the new approach to this species during the development management process. An impact risk map was produced as part of the licence, which models the probability of great crested newts being present based on habitat suitability and other factors such as existing records. The application site lies within the red/amber zone, which has a high/moderate probability of great crested newts being present. The Ecological Appraisal does not consider impacts on this European and UK protected species, but there is a large garden pond within the grounds of the adjacent residential garden (approx. 11 metres away), there are 3 other ponds within 500 metres (including one at Prebendal Court approx. 214 metres away) and 2 more within 1km radius of the site. I therefore conclude that an assessment for great crested newts should have been carried out, as the impact of the lighting could significantly disturb this species and may have a detrimental impact on the local population.

The Design and Access Statement and the Lighting Impact Assessment report do not take account of the recommendations of the Ecological Appraisal report, as they are both dated before it was available. The lighting impact assessment therefore does not include any mitigation measures for bats, great crested newts and other nocturnal wildlife (e.g. badgers), particularly due to the fact that the floodlights will be in use from mid-August through to mid-May, which encompasses a large part of the year when bats and great crested newts are active.

There are several bat records for the village, which are available from TVERC, including lesser horseshoe, brown long-eared and natterer's bats. The hedgerow on the western boundary of the application site is therefore likely to be a key commuting corridor and/or foraging

habitat. Without the detailed bat survey information and without an updated bat activity survey, it is difficult to predict what the impact will be on these species.

The Lighting Impact Assessment does not refer to the Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting (2018) available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> This refers to lighting that will have less disturbance to bats such as that with a warm white spectrum (ideally, <2700 Kelvin) to reduce blue light component and luminaires that feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (ref. Stone, 2012). It is not clear whether or not the floodlighting has been designed in order to minimise impact on bats and great crested newts.

The proposals within this application could potentially affect European protected species (bats and great crested newts). In light of ODPM Circular 06/2005 (para 116) and the Conservation of Habitats and Species Regulations 2017, the 3 "derogation" tests, as set out in Regulation 55 need to be considered as part of the determination process. However, I am unable to do this due to a lack of information.

I therefore conclude that the information submitted with the application is insufficient and that the proposed floodlighting at this location is likely to result in biodiversity harm, which is contrary to Policy EH3 of the Local Plan and the relevant legislation protecting bats and great crested newts, including The Conservation of Habitats and Species Regulations 2017. This could constitute a reason for refusal of the application.

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| I.3 | Conservation Officer | No Comment Received. |
| I.4 | WODC Env Health - Uplands | <p>No objection in principle to the application. Having talked through the LED lighting proposals with the agent, I suggest the following conditions to minimise impact: :</p> <p>i) A sensor device shall be installed that automatically turns off the floodlights should there have been no movement on court/s for ten minutes.</p> <p>ii) A curfew hour shall apply for floodlighting of 9 pm Monday to Friday and 7 pm Saturdays and Sundays.</p> |
| I.5 | Cotswolds Conservation Board | No Comment Received. |
| I.6 | Parish Council | Shipton PC considered this application at its meeting on 19 September: it had previously received presentations at various stages of the development of the project and there has also been a village open event. The PC has studied various aspects of WODC policy statements, particularly those relating to the protection and |

management of the Conservation Areas (in which this project is sited) and the AONB, environmental conservation particularly in relation to dark skies and light pollution and the desirability of encouraging sport recreation and healthy living. Not unexpectedly in the case of this project, not all these policies point the same way. In addition, we have studied the Inspector's report from a previous application (Appeal Ref APP/D1325/A/1116338 12 December 2003). Whilst with the passage of time, lighting technology will have developed as will WODC's attitude to light pollution, nevertheless the Inspector's line of reasoning and balancing of the various considerations remains relevant.

We entirely support the principle of widening sporting participation and inclusivity which fits in well with our vision of the 'living village'. This project could in principle make an excellent contribution to that, subject to various conditions relating to access and diversity and other considerations set out below. But we cannot give support to the application in its current form and believe it should be adjudicated by the Uplands Planning Committee in the hope that a conclusion can subsequently be reached that meets the various substantial objections.

- (1) The project itself is not confined to the village of Shipton. A substantial proportion of the members and written supporters come from the County as a whole. Thus, the benefits are dispersed while any problems are localised.
- (2) Consultation with residents affected has been defective in that few if any have received 'yellow notice' notification.
- (3) We understand, (and the promoters do not dispute this), that there is no site in the country that mirrors the proposed configuration; namely LED lighting on 6 metre poles in a Conservation Area within an AONB. We are therefore unable to assess the effect of this deployment in a live situation and are required to rely on technical information supplied by the applicants' advisors. This is an unsatisfactory situation especially given the fact that there appear to be inconsistencies in the diagrams submitted and the impact of the columns and poles even when unlit will be much greater than stated.
- (4) The proposal impacts directly on several WODC policies in relation to dark skies and light pollution in particular, as they relate to light pollution in a Conservation Area. We would particularly draw attention to Local Plan EH1, EH2, EH8 and EH10 to which the current proposal appears to run counter.
- (5) We would also draw attention to the Inspector's report into a 2003 application (Ref. APP/D1325/A/1116338. 12 December 2003). While lighting technology has developed since then on the one hand, the position of WODC on light pollution in Conservation Areas on the other has probably strengthened. The Inspector's balancing of the arguments remains relevant as is his conclusion (Para 10) relating to the visibility of the light pool from the hill on the A361 which arguably has not changed.
- (6) It is a condition of the Tennis Club lease that no nuisance is

caused to neighbours; it is a good planning precept as well. Several neighbours have submitted that they are adversely affected both by the spillage of light into their properties when lit and by the unsightly nature of nine 6 metre poles when unlit.

(7) We would have expected proposals for extensive public benefit from a scheme of this sort both as, 'compensation' for local disturbance and to promote diversity and inclusivity. The benefits describe the promotion of fitness and health, but these seem to accrue to existing members who, arguably, are already fit and one hopes healthy.

The PC invites the Planning Committee to consider these issues and ask the applicants to show how the proposal could be reshaped to meet the difficulties raised so that a worthwhile contribution to village life might result.

2 REPRESENTATIONS

2.1 This application has received 167 comments of support and 61 comments of objection. Comments are summarised as follows:

2.2 Support:

- Enables all ages to play sport (Social interaction);
- Light pollution already within the surrounding context;
- Sporting and exercise for youths;
- Increase the availability of the courts;
- Progression of the club;
- It will maximise the use of the facilities;
- Modern lights are unobtrusive; and
- Will not cause greater light pollution than what already exists.

2.3 Objections:

- Proposed drawings are unclear on how many fittings are proposed;
- Use of out of date photography to represent surrounding affects (10 years);
- No scale plans, elevations, sections or drawings to show light fittings on pole;
- Proposed planting not an acceptable measure/ time frame of 15 years;
- Light pollution;
- Unneighbourly;
- Overbearing design;
- Impact on the AONB;
- Impact on the Conservation Area;
- Anti-social behaviour ;
- Vast numbers of supports do not live in Shipton Under Wychwood;
- Similar scheme refused and lost at appeal once before (Ref APP/D3125/A/03/1116338);
- Potential impact on wildlife;
- No proven need for additional floodlit facilities;

- Other courts with floodlit services located within Wychwood School, Charlbury, Bourton on the Water and Chipping Norton;
- Noise;
- Increased traffic generation; and
- Private run club not open to the public.

3 APPLICANT'S CASE

- 3.1 To provide health, youth, community, safety, sport and well-being for Shipton and the wider Wychwood's area into the 2020's - by 'unlocking' extra capacity on two courts - that remain out of use for no reason other than darkness. Tennis is no longer a summer sport but is played throughout the year, with winter leagues and year-round coaching. At present Wychwoods Tennis Club is not able to offer what many other clubs can despite being a successful and well-run club. The lighting will enable to the Club to grow and to produce many more local 'home grown' players
- 3.2 Wychwoods Tennis Club thriving, youth-orientated health and sporting facility for Shipton Village and wider community and tennis now a year-round sport in the UK. The club has more than 350 members (55% live in Wychwood Villages - remaining 45% within 7-mile radius - with more than 100 children in a vibrant year-round junior coaching programme which is sadly reduced during the winter months due to the lack of sufficient number of daylight hours.
- 3.3 The club is a resource for families, children and adults of all ages and we were recognised by Oxfordshire LTA as 'Tennis Club of The Year' in 2017 and 2011. However, this sports facility is essentially 'closed' for 25% of the time in winter - due only to lack of lighting. The club can release this extra sporting capacity without any public funding if we received approval for lighting on two of our courts.
- 3.4 The club is thriving with membership levels 56% higher than the national average - despite it having only three courts, no club house or other facilities - and this extra capacity in winter would allow the club to provide far more sport for the community - particularly juniors and young adults and families who have least flexibility to play in the daytime.
- 3.5 Almost half the club membership is regularly being coached. Nine men's, ladies and junior teams play competitively, and the Junior and Adult singles leagues have more than 35 players there is a need for a junior club night and junior box league to continue all year round but it is only possible to play these in summer due to light restraint in the winter months.

4 PLANNING POLICIES

BC1NEW Burford-Charlbury sub-area
 DESGUI West Oxfordshire Design Guide
 NPPF 2019
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 E5NEW Local services and community facilities
 EH1 Cotswolds AONB
 EH8 Environmental protection
 EH10 Conservation Areas

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for the erection of 9x 6m high floodlights located on each corner and centre of two out of the three tennis courts at Wychwood Tennis Club, Beaconsfield Hall, Shipton-under-Wychwood. The site falls within the Shipton-Under-Wychwood Conservation area and the Cotswolds Area of Outstanding Natural Beauty.
- 5.2 New Beaconsfield Hall and Recreation Ground is designed as a multi functional facility that supports a wide variety of indoor and outdoor sports and activities.
- 5.3 This application has been brought to Members for consideration in line with the scheme of delegation which states that applications for floodlight masts exceeding 6m in height when operational should be considered by the planning sub-committee.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:-

Principle

Impacts on the Cotswolds Area of Outstanding Natural Beauty;
 Impacts on the Shipton-Under-Wychwood conservation area;
 Ecology;
 Residential amenity;
 Visual amenity; and
 Highways

Principle

- 5.5 Chapter 8 of the NPPF 'Promoting healthy and safe communities' encourages social interaction and encourages the enabling and support of healthy lifestyles. In addition, policy E5 of the WOLP 2031 states the development and retention of community facilities to meet local needs and promote social wellbeing, interests, interaction and healthy inclusive communities. These policies have to be weighed carefully against other policies of the plan.
- 5.6 Committee considered a planning application for the erection of nine 6.7m high flood lights under planning reference W2002/1192 in 2002. The application was refused and subsequently appealed. The inspector dismissed the appeal stating "That the introduction of floodlighting on this prominent site, within Shipton Under Wychwood Conservation area and the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development which would fail to preserve or enhance the character and appearance of the Conservation Area and which would unacceptably harm the special landscape qualities of the surrounding area.
- 5.7 The proposed lights have been reduced in height by 0.7m but the policies protecting the AONB and Heritage Assets have been strengthened considerably since 2002. This balance will be fully assessed below.

Impact on the Cotswolds AONB

- 5.8 Policy EHI states in determining development proposals within the Cotswolds Area of Outstanding Natural Beauty, great weight will be given to conserving and enhancing the areas natural beauty, landscape and countryside, including its wildlife and heritage. EHI further states the Cotswolds conservation board's management plan and guidance documents are material considerations in decisions relevant to the AONB. Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan states Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Stating measures should be taken to increase the area of dark skies in the Cotswolds AONB by (i) removing and (ii) reducing existing sources of light pollution. 3. Consideration will be given to seeking a formal dark sky designation for those parts of the Cotswolds AONB that are least affected by light pollution.
- 5.9 With the above in mind, officers consider the proposed development and associated lighting spill to contribute to light pollution within the area failing to avoid and/ or reduce existing levels of light within the AONB, as such the application is considered contrary to policy CE5 of the Cotswolds Conservation Board Management Plan and policy EHI of the West Oxfordshire Local Plan (2031).

Impact on the Shipton-Under- Wychwood Conservation Area

- 5.10 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. Policy EH10 of the West Oxfordshire Local Plan (2031) states proposals for development in a conservation area or affecting the setting of a Conservation area will be permitted where it can be shown to conserve or enhance the special interests, character, appearance and setting.
- 5.11 Due to the elevated positioning of the tennis court, officers consider the proposed 9x6 m columns and fittings highly visible in the location and surrounding area due to their height be viewed either through existing planting and open field. As such the proposed lighting is considered to create a prominent and clearly visible level of lighting where it would fail to either conserve or enhance the setting of the Shipton-Under-Wychwood Conservation area and as such the proposed flood lights are considered contrary to policy EH10 of the West Oxfordshire Local Plan (2031) and Section 16 of the NPPF.

Ecology

- 5.12 Concerns have been raised regarding the impact of the proposed lighting on the biodiversity of the surrounding area. The Biodiversity Officer has assessed the proposed development and objects to the proposed development based on lack of information and the consideration that the proposed flood lighting is likely to result in in biodiversity harm, which is contrary to Policy EH3 of the Local Plan and the relevant legislation protecting bats and great crested newts, including The Conservation of Habitats and Species Regulations 2017.

Visual Amenity

- 5.13 Policy EH8 of the West Oxfordshire Local Plan (2031) states that the installation of external lighting will only be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light 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.
- 5.14 With consideration of the original application and subsequent appeal, from assessing the site, officers consider the lights and columns to be visible from most directions surrounding the court due to their height. It is considered when off, the columns would not be unduly visually obtrusive, however when lit would be considerably visually obtrusive creating a significant visual impact.
- 5.15 A number concerns have been raised regarding the negative impacts of the proposed floodlights on the visual amenity to surrounding area. Officers consider the proposed 9 x 6 meter floodlights in this evaluated location to harmfully affect the surrounding residential properties, and as such consider the proposed development to be an incongruous and intrusive form of development, considered contrary to EH8, OS2 and OS4 of the local plan.

Residential Amenity

- 5.16 Policy OS2 of the adopted West Oxfordshire Local Plan 2031 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Policy OS4 states development should not harm the use or enjoyment of land and buildings nearby, including living conditions in residential properties.
- 5.17 Officer's consider as the tennis courts are located at a higher elevated level in comparison to surrounding dwellings, the proposed floodlights and light sensors would harmfully impact the residential amenity with regards to light spill, namely Elmdene to the South West, and properties adjacent located along Station Road. As such the proposed lights are considered contrary to policies OS2, OS4 and EH8 of the West Oxfordshire Local Plan (2031).

Highways

- 5.18 Concerns have been raised regarding the increased traffic and parking needs in consideration to the extended operational times of the court. OCC Highways have been formally consulted and have yet to respond. Officers will update members at the committee meeting.

Conclusion

- 5.19 On balance and whilst acknowledging the proposed development in consideration to health and wellbeing, the benefits subject to the proposed application are not considered to outweigh the impacts on the Cotswolds Area Of Outstanding Natural Beauty, Shipton-Under-Wychwood Conservation Area and residential amenities, creating an incongruous and intrusive form of development contrary to OS2, OS4, E5, EH1, EH8 and EH10 of the West Oxfordshire Local Plan (2031) Policy CE5 'Dark Skies' of the Cotswolds Conservation Board Management Plan and Section 16 of the NPPF.

- 5.20 In addition to the above, it is considered that insufficient information has been submitted, the proposed floodlighting at this location is likely to result in biodiversity harm, which is contrary to Policy EH3 of the Local Plan and the relevant legislation protecting bats and great crested newts, including The Conservation of Habitats and Species Regulations 2017. This could constitute a reason for refusal of the application.

6 REASONS FOR REFUSAL

- 1 The proposed floodlighting on this prominent site, within Shipton Under Wychwood Conservation area and the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development which would fail to preserve or enhance the character and appearance of the Conservation Area, and when lit be visually obtrusive to surrounding residential amenity's. As such the proposal would be contrary to policies OS2, OS4, EH1 and EH10 of the West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan and Section 16 of the NPPF.

- 2 It is considered that insufficient ecological survey information, assessment or mitigation information has been submitted to enable the Local Planning Authority to fully assess the extent to which species and habitats (including bats and great crested newts) that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 or listed as species/habitats of Principal Importance in s.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular Chapter 15); The Planning Practice Guidance; West Oxfordshire Local Plan 2031 (adopted September 2018) Policy EH3, and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017. Without sufficient information the Local Planning Authority may be unable to meet its statutory duty under the Natural Environment and Rural Communities Act 2006 to "have regard, ..., to the purpose of conserving biodiversity".