

Friday, 3 December 2021

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## UPLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Uplands Area Planning Sub-Committee which will be held in the Council Chamber, Woodgreen, Witney, OX28 1NB on **Monday, 13 December 2021 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

Councillors: Councillor Jeff Haine (Chairman), Councillor Julian Cooper (Vice-Chair), Councillor Andrew Beaney, Councillor Nathalie Chapple, Councillor Marilyn Davies, Councillor Ted Fenton, Councillor David Jackson, Councillor Alex Postan, Councillor Geoff Saul, Councillor Dean Temple and Councillor Alex Wilson.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

## AGENDA

1. **Minutes of Previous Meeting (Pages 3 - 8)**  
To approve the minutes of the meeting held on 15 November 2021.
2. **Apologies for Absence and Temporary Appointments**
3. **Declarations of Interest**  
To receive any declarations from Members of the Committee on any items to be considered at the meeting
4. **Applications for Development (Pages 9 - 108)**  
Purpose:  
To consider applications for development, details of which are set out in the attached schedule.

Recommendation:

That the applications be determined in accordance with the recommendations of the Business Manager – Development Management.

Page	Application Number	Address	Officer
11 - 33	20/02600/FUL	Bladon Chains Caravan Park, Bladon	Joan Desmond
34 - 61	21/02343/OUT	Land East Of Barns Lane, Barns Lane, Burford	Joan Desmond
62 - 73	21/02800/FUL	The Bungalow, Wilcote, Chipping Norton	Stuart McIver
74 - 83	21/02804/RES	Land North East of 51 High Street, Ascott Under Wychwood	James Nelson
84 - 94	21/03048/FUL	Kantara, Woodstock Road, Charlbury	Stuart McIver
95 - 101	21/03322/FUL	Land North Of Wilcote Riding, Finstock	Kim Smith
102 - 106	21/03452/FUL	The Pentacle, Enstone Airfield North, Enstone	Kim Smith

5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 109 - 124)**  
Purpose:  
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.  
Recommendation:  
That the reports be noted.
6. **Progress on Enforcement Cases (Pages 125 - 136)**  
Purpose:  
To inform the Sub-Committee of progress on Enforcement Cases.  
Recommendation:  
That the reports be noted

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Uplands Area Planning Sub-Committee**  
Held in the Council Chamber at 2.00 pm on **Monday, 15 November 2021**

### PRESENT

Councillors: Jeff Haine (Chairman), Julian Cooper (Vice-Chair), Alaa Al-Yousuf, Andrew Beaney, Marilyn Davies, Ted Fenton, David Jackson, Elizabeth Poskitt, Alex Postan and Councillor Geoff Saul.

Officers: Joan Desmond (Principal Planner), James Nelson (Graduate Planner) and Amy Bridgewater-Carnall (Democratic Services Manager).

#### **35 Minutes of Previous Meeting**

The minutes of the meeting held on 18 October 2021 were approved and signed by the Chairman as a correct record.

#### **36 Apologies for Absence and Temporary Appointments**

Apologies for absence were received from Councillor Alex Wilson.

Councillor Al-Yousuf substituted for Councillor Temple, and Councillor Poskitt substituted for Councillor Chapple.

#### **37 Declarations of Interest**

Councillor Saul declared an prejudicial interest in application 21/02872/FUL – Land East of The Drive, Enstone and left the room whilst the item was discussed.

#### **38 Applications for Development**

The Sub-Committee received the report of the Business Manager – Development Management, giving details of an application for development, copies of which had been circulated.

**RESOLVED:** That the decision on the following application be as indicated, the reasons for refusal to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

#### 21/02573/OUT – 7 Cleveley Road, Enstone

The Principal Planner introduced the outline application for the erection of four dwellings, closure of existing access and creation of a separate access for number 7, new access for the proposed dwellings, parking layout and landscaping scheme. The report noted that some matters were reserved and amended plans had been submitted.

The Committee had previously considered the application at their meeting on 18 October 2021 where it had been agreed to defer the application, in order to undertake a site visit. Members of the Committee attended a site visit on 11 November 2021.

The Principal Planner explained that this outline application included matters such as layout, scale, landscaping and access with appearance unreserved and that the officer recommendation was one of refusal.

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The following people addressed the Committee:

Mr Soame, on behalf of the applicant.

A summary of his submission is attached as an appendix to the original copy of these minutes.

The Principal Planner presented her report in further detail and advised that it was officers' opinion that the proposed development would not form a logical complement to the scale and pattern of development or respect the character of the area. She referred to the photographs of the site and reminded Members of the views they had encountered on the recent site visit. The second refusal reason detailed in the report referred to the lack of ecological information within the application, resulting in officers being unable to assess the potential impact on protected and priority species. In response to comments made by the applicant's representative, Mrs Desmond explained that if a revised application were to be submitted, the implications of the layout and scale would need to be considered carefully.

Following a question from the Chairman, the Principal Planner advised that any waiver of the application fee would depend on the description of the application, which would need to be similar to the existing.

Councillor Beaney addressed the meeting and advised that although he had been unable to attend the site visit he still felt at odds with the first refusal reason listed in the report. He felt the proposal would be acceptable in its location but he did agree with refusal reason 2 relating to inadequate biodiversity information.

Councillor Jackson concurred with Councillor Beaney's comments as he felt the development was a logical compliment to Cleveley Road but recognised that it could look out of place if viewed from the south. Councillor Jackson went on to reference the site visit and his concerns regarding landscaping. He felt that landscaping measures could be incorporated if the layout was altered.

Councillor Haine asked for clarification from the officer as to whether this was felt to be overdevelopment of the site. The Principal Planner agreed that it was and referred to the layout plan to explain the building line and how the proposal as laid out would have a visual intrusion resulting in the openness of the area being eroded.

Councillor Cooper addressed the meeting and noted that it was not for the agent to ask the Committee what would be acceptable because Members had to consider the scheme in front of them. He also highlighted the significant changes in levels on site which could not be appreciated from the photographs. He therefore proposed the officers' recommendation as laid out and agreed that an ecology report should be submitted, if the applicant chose to resubmit an application.

Councillor Poskitt seconded the proposal to refuse the application and outlined her reasons for doing so. These included overcrowding of the site, the lack of an ecology report or information on mitigating any loss of biodiversity and minimal space for parking and access. Councillor Poskitt also noted Councillor Cooper's comments relating to the levels on site and queried if the proposal was to set the dwellings down into the site.

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Councillor Postan highlighted that the applicant may wish to take the comments made on board, withdraw the application and apply again.

The Officer recommendation of refusal was then put to the vote and was carried for the reasons outlined below:

1. The proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area and would be harmful to the sensitive rural edge setting of the village by reason of its visual intrusion and projection of development further to the east. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021; and
2. Inadequate ecological information has been submitted to assess the potential impact on protected and priority species and the submitted Biodiversity Plan does not sufficiently compensate for vegetation lost. As such, the proposed development is considered to be contrary to the provisions of Policy EH3 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

## **Refused**

(Councillor Saul re-joined the meeting)

### 21/024872/FUL – Land East of The Drive, Enstone

The Graduate Planner introduced the application for the construction of two detached self-build, carbon neutral houses, together with associated works and the formation of a vehicular access.

The following people addressed the Committee:

Mr Parker, applicant in support.

A summary of his submission is attached as an appendix to the original copy of these minutes.

Following a question from Councillor Fenton, Mr Parker confirmed that there was no threat to the public right of way from this proposal.

The Graduate Planner then presented his report containing a recommendation of refusal. He highlighted the key considerations that had been taken into account and these included Local Plan Policy OS2 relating to new dwellings and the requirement for evidence to be provided to

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demonstrate that it was necessary to meet an identified housing need. Mr Nelson explained that sufficient evidence had not been provided identifying such a need and following Mr Parker's submission, he clarified that there was no link from the Register of Interest to this site in particular. In addition, he stated that no information had been provided to explain who would build the properties and The Drive was recognised as the delineation to housing in the village.

Councillor Davies advised that she was struggling to understand the officers stance on this and highlighted that the Local Plan encouraged self-built developments. Whilst she could recognise that the development would alter the rear line of houses, she felt that the benefits outweighed the impact this would have.

Further discussions covered whether the properties could be relocated on the site to the top right hand corner, similar proposals that had been successful in the District and reducing the number of dwellings proposed.

Councillor Jackson noted that if the site was not suitable, the type of development should not influence the Committee and he proposed the officers recommendation as laid out.

This was seconded by Councillor Saul who applauded the intention to build carbon neutral properties but felt that, having looked at Local Plan Policy H2, there had been no convincing evidence provided that this met a housing need in the area.

Councillors Cooper and Poskitt added their support to the refusal.

The Officer recommendation of refusal was then put to the vote and was carried for the reason outlined below:

1. By reason of its siting on undeveloped land adjoining the built up area of the village, the proposed self-build dwelling would read as an illogical urban encroachment into a semi-rural edge of the village, which would have an adverse impact on the settlement character and the character of the immediate and wider landscape setting. In addition to this, no convincing evidence has been presented to demonstrate that the proposed dwelling is necessary to meet an identified housing need. The proposal is therefore contrary to Local Plan Policies OS2, H2 and H5 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF.

## **Refused**

### **39 Applications Determined under Delegated Powers and Appeal Decisions**

The report giving details of applications determined under delegated powers was received and noted. The following queries were raised by Members in relation to certain applications.

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Page 31 – 21/02549/S73

Councillor Cooper advised that he had emailed the planning officers with regards to a feeling of disquiet amongst Bladon Parish Council in relation to the number of alterations being made at this site. The Graduate Planner advised that he had historically dealt with a number of minor variations at the site and had also received a new application more recently. He, therefore, advised that he would be undertaking a site visit in due course to provide a more rounded view of the site as there had been an incremental build up of changes. Mr Nelson agreed to email Councillors Cooper and Poskitt with an update, once he had visited the site.

Page 35 – 21/02881/CND

Councillor Postan advised the meeting that this application was a well presented design which highlighted good, modern methods of construction and he recommended Members visit the site.

Councillor Beaney asked for an update on staffing levels within the Planning Department, following recent assurances from the Business Manager – Development Management that the service would be on a stronger footing by Christmas. Mrs Desmond advised that, along with the new starter who had been introduced to them at the beginning of the meeting, additional new members of staff were due to join at the end of November and early part of December. However, she also advised that a further vacancy had since come to light which would need to be filled. Mrs Desmond assured the meeting that the team would be in a stronger position by the end of the year.

Councillor Postan expressed his thanks to the officers who had been working hard to clear the existing backlog, as evidenced by the number of applications listed under Item 5 – Delegated Decisions.

The Meeting closed at 2.48 pm

CHAIRMAN

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## WEST OXFORDSHIRE DISTRICT COUNCIL UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 13th December 2021**

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

***List of Background Papers***

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

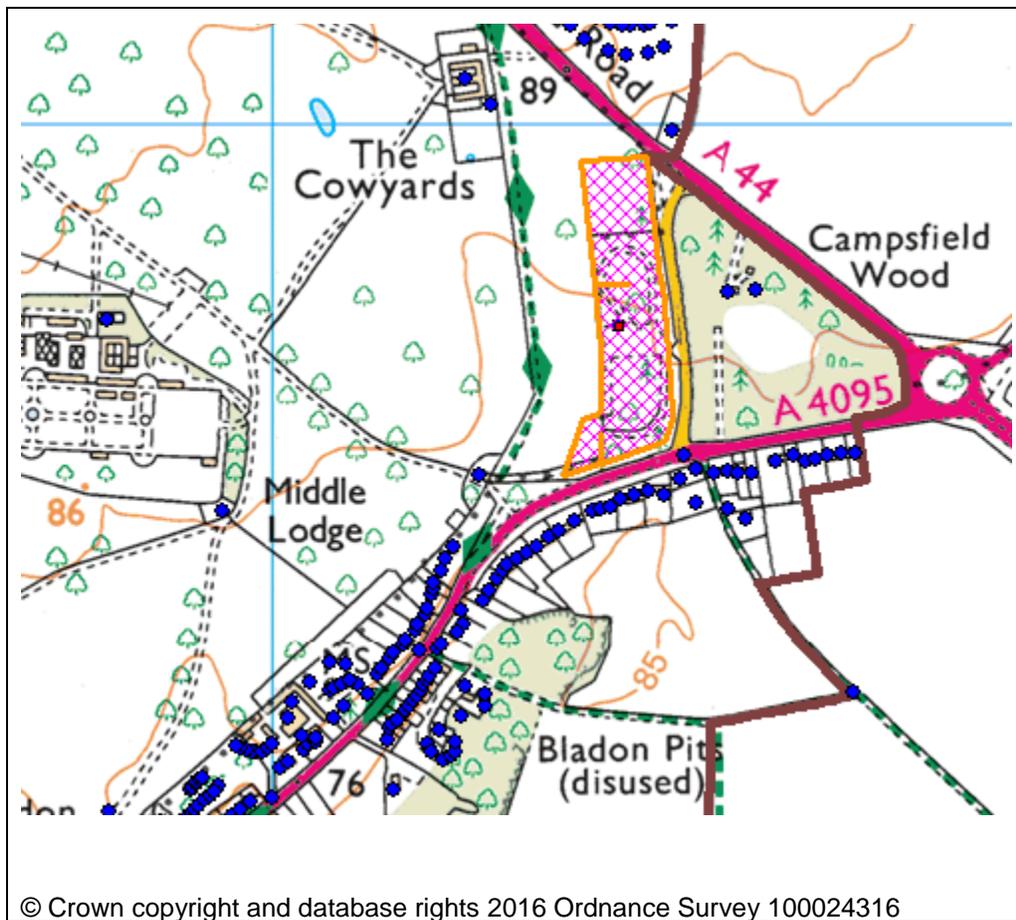
Please note that:

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

<b>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
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102 - 106	<a href="#">21/03452/FUL</a>	The Pentacle, Enstone Airfield North, Enstone	Kim Smith

Application Number	20/02600/FUL
Site Address	<b>Bladon Chains Caravan Park</b> <b>Bladon</b> Woodstock Oxfordshire OX20 1PT
Date	1st December 2021
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	445436 E 215747 N
Committee Date	13th December 2021

**Location Map**



**Application Details:**

The re-organisation and upgrade of the existing Caravan Club Site to include the removal of 92 touring caravan pitches and demolition of existing site buildings, construction of replacement facilities and maintenance/housekeeping buildings with provision of static accommodation in the form of 36 Holiday Lodges

**Applicant Details:**  
Vanbrugh Unit Trust  
Vanbrugh Unit Trust  
The Estate Office  
OX20 IPP

## I CONSULTATIONS

Parish Council

Response on 16.12.20

It is clearly in the view of Bladon Parish Council a considerable change of use of the existing site from a seasonal caravan and mobile home campsite to semi-permanent lodge type structures offering year round occupation complete with associated infrastructure to accommodate its existence.

Within the village there is a view that this application if approved would be followed in a few years by an application to remove the lodges and replace them with housing.

We would like binding agreement in place to prevent this for fifty years and also a second condition of any approval that prevents changes to the density of and location of the accommodation and their individual capacity for fifty years. Therefore the site if approved would be a stable feature of the village and have time to mature.

If as we would hope the site will offer a number of employment opportunities for residents we would want those jobs to be sustainable in the long term.

The Parish Council is concerned about the site security and exactly what steps will be put in place to keep it secure and prevent squatters gaining access to the lodges and subsequent problems they bring.

This application is effectively a bolt on addition to the village. For this reason alone we would request this application be referred directly to the Uplands Committee for discussion and consideration.

OCC Archaeological Services

Response on 7.12.20

The applicant has confirmed that this heritage statement, emailed to us by the applicant following our request for an archaeological desk based assessment as set out in paragraph 189 of the NPPF (2019), only deals with the setting issues related to the World Heritage site and the registered park and gardens and is not a desk based assessment.

As such this amendment does not alter our original comments and an archaeological desk based assessment will need to be submitted along with this planning application as we have previously advised. A

programme of archaeological evaluation may be required following this assessment.

Major Planning Applications  
Team

Response on 16.02.21

Highways - Upon reviewing the changes, it has been determined that none materially impact highways and our previous response remains relevant.

LLFA - No objection subject to conditions

Archaeology - Objection

Key issues:

The results of an archaeological field evaluation will need to be submitted prior to the determination of this application.

Historic England

Response on 28.01.21

The requested desk-based archaeological assessment has now been produced by SRL (January 2021). This report, which draws together the results of all previous investigations, enables a detailed understanding of so-far discovered archaeology on site and is a careful and useful document.

However, it does not provide the needed assessment on potential impact of current proposals on the significance of the Roman villa, as contributed to by its setting, thus reflecting lack of information noted in the previously submitted Heritage Statement produced by SRL in August 2020.

In addition, a field evaluation based on an agreed written scheme of investigation, as requested in our former advice letter, has not been undertaken. Notwithstanding this, the DBA states at p.15 that 'the proximity of the [Roman] villa c.120m to the northeast of the Site raises a possibility of there being further Roman heritage assets of national significance within the Site area.' If potential archaeological deposits on site are deemed of national significance, they should be considered of equivalent importance to scheduled monuments. This underlines the need for archaeological investigations of the site prior to determination of any planning application.

On the contrary, the applicant states in the DBA that, if permission is granted, a mitigation strategy could be then designed and adopted to reveal and record buried archaeological deposits in accordance with your Planning Authority's requirements and your Archaeological Planning Advisor's approval.

We would like to stress that until a field evaluation of the site has been undertaken in line with the Chartered Institute for Archaeologists' standards and results made available, paragraph 189 of the National Planning Policy Framework will not have been complied with.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that, prior to determination of any planning application for the site, the results of a field evaluation according to an agreed written scheme, and an assessment of the potential impact of the proposals on the significance of the Roman villa should be submitted, in order to meet the requirements of paragraph 189 of the NPPF.

Your authority should take these representations into account and seek further information as set out in our advice.

WODC Landscape And  
Forestry Officer

No Comment Received.

Ecologist

Response on 2.2.21

Following on from my previous response (dated 16th December 2020), I have now reviewed the revised Ecological Impact Assessment (dated December 2020 and prepared by RPS Group) together with the Great Crested Newt Precautionary Method of Working report (dated 12th January 2021 and prepared by RPS Group). I have the following comments with recommendations for conditions and an informative.

Protected and priority species

Bats and birds

The ecology report notes that the buildings on site offer 'negligible' potential for roosting bats. Furthermore, none of the trees to be removed offer potential for roosting bats. Therefore, there is no need to consider the 3 derogation tests as the proposed works are unlikely to have a significant impact on bat species. The activity transects identified the site boundaries, particularly the mature tree lines, to be frequently used by foraging and commuting bats. I understand that the vegetation along these boundaries are to be retained within the proposed scheme and this is satisfactory.

I further recommend that a sensitive external lighting strategy is prepared to ensure that the vegetation on site (e.g. along the boundaries) is not illuminated by the external lighting. The details of the external lighting should be submitted to the LPA as a condition of planning consent.

No bird nests were found within any of the buildings on site. However, the habitat features would offer suitable nesting opportunities and therefore the clearance of any vegetation should be undertaken outside of the nesting bird season. If this is not possible then the habitat will need to be checked by a suitably qualified ecologist prior to the works (as detailed within the ecology report).

Section 5 of the report recommends for bird and bat boxes to be provided and this is welcomed. The details of the new roosting and nesting features, including elevation plans and the specific design, should be submitted to the LPA as a condition of planning consent.

#### Amphibians and reptiles

I understand that the ponds within 500 metres of the site were dry at the time of the eDNA surveys for great crested newts (GCN). The report therefore concluded that given the lack of breeding habitat nearby and considering that the site is mostly amenity grassland, it is unlikely that there are populations of GCN using the site. However, the site is located in the amber impact zone, as per the modelled district license map for GCN, indicating that there is suitable GCN habitat in the surrounding area. I therefore requested that a Precautionary Working Method Statement was prepared. I consider this document satisfactory and will condition for the implementation of the measures. I also consider these measures to be applicable to reptiles.

#### Other protected species

The report states that there is no evidence of badger on site. However, there is suitable habitat within the surrounding area and there is also a badger record in close proximity. The report recommends precautionary measures for badger and these are satisfactory.

Precautionary measures have also been outlined for hedgehogs. Hibernacula features have also been proposed and this is welcomed. I also advise that hedgehog holes/gaps are provided within any fencing/walls on site. The details should be submitted to the LPA as a condition of planning consent.

#### Habitats and landscaping

The site mainly comprises amenity grassland with broadleaved woodland along the boundaries and scattered trees. The boundaries of the site will be retained and protected within the scheme and this is satisfactory. It is important that the existing woodland is protected from disturbance/recreational pressure and I understand that a post and rail fence and signage will be installed along the woodland.

A number of biodiversity enhancements are also proposed on site. This includes the creation of wildflower meadow areas, new tree planting as well as a new SuDS feature that I understand will be planted with marginal vegetation. Appendix E refers to the Biodiversity Net Gain Strategy that has been submitted alongside the biodiversity metric. The calculations show that there will be a

significant biodiversity net gain as a result of the proposal (39.14%) and this is satisfactory.

A comprehensive landscaping scheme should be prepared to detail the habitat features that are to be created and enhanced on site, along with a 5-year maintenance plan. The landscaping scheme will need to be submitted to the LPA as a condition of planning consent.

A Biodiversity Management and Monitoring Plan (BMMP) will need to be prepared to secure the long term management of habitats included within the biodiversity net gain calculations for the required period of 30 years (as stipulated in the Defra proposals for biodiversity net gain). This plan should identify the aims and objectives of management and provide details of the ongoing management of habitats at the site. The report will need to be submitted to the LPA for approval as a condition of planning consent.

A Construction Environmental Management Plan - Biodiversity (CEMP-B) will also need to be submitted to the LPA as a condition of planning consent to detail how the works will minimise impacts on surrounding ecological features during and immediately after the construction phase.

I therefore recommend the appropriate biodiversity conditions and informative.

Ecologist

Before I can proceed to review the application, additional information is required relating to the biodiversity net gain calculations.

OCC Archaeological Services

Response on 30.11.20  
Objection for the following reason/s:  
The site is located in an area of archaeological interest and an archaeological desk-based assessment will need to be submitted along with this application in line with the National Planning Policy Framework (2019), paragraph 189. The results of an archaeological evaluation will also need to be submitted in line with the NPPF.

Conservation Officer

No response received to date

Adjacent Parish Council

17.12.20  
Woodstock Town Council RESOLVED: that WTC objects to the above planning application regarding planning policies

EH2 and EH9; in addition we would like to draw attention and refer to PreApplication Advice Letter - containing some very important observations and OCC submissions (with extensive objections)

Adjacent Parish Council

No Comment Received.

Major Planning Applications Team

No Comment Received.

Major Planning Applications Team

Response on 9.12.20

OCC Highways - No objection subject to:  
- Planning Conditions as detailed below.

Key points

- Vehicular access is existing
- Trip rates of the proposed development is unlikely to be significantly higher than existing use

Thames Water

No Comment Received.

Ecologist

Response on 1.12.20

More information required

Conservation Officer

No Comment Received.

WODC Env Health - Uplands

I have No Objection in principle.

ERS Env. Consultation Sites

Review of the historical maps we hold suggest there are some former quarries located approximately 190m to the south of the application area. It is not clear if these have been infilled, given this and the distance to them, it is considered unlikely that they would pose a significant risk to the proposed development.

It is not clear if there is any heating infrastructure or storage currently at the site. Please could the applicant confirm if any fuels or other potentially contaminating substances are stored on site. Depending on the response to this question I would likely request the following condition be added to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Newt Officer

No Comment Received.

Environment Agency

No response required. See Standing Advice.

Historic England

Response on 7.12.20

Historic England has concerns regarding the application on heritage grounds.

While we consider that the implications of the proposals on the significance of the designated heritage assets and their setting is limited, their impact on buried archaeological deposits cannot be fully evaluated, as relevant documents have not been submitted.

A detailed desk-based archaeological assessment and field evaluation will need to be produced to meet requirements set up at paragraph 189 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

The Gardens Trust

Response on 30.11.20

We have studied the online documentation for 20/02600/FUL, the static caravans pitch, which were in effect semi-permanent. The lodges might be more long-term structures but even they will have a shelf life and need renewal in due course. Due to the importance of the setting of the Grade I Blenheim landscape and World Heritage

Site, we would suggest that the impact of the caravan club site be re-assessed, and that should your officers decide to grant permission, that it is for a temporary period of 25 years.

OCC Archaeological Services      No Comment Received.

## **2 REPRESENTATIONS**

2.1 One letter has been received objecting to the application on the following grounds:

- Adverse Visual impact
- Contrary to Policy
- Proposed permanent constructions are out of the Cotswold character of the area.
- Will diminish the separation of Bladon Village to the town.
- The necessary installation and support of facilities to meet user expectations from a more demanding demographic, to include amenities equivalent to that of houses is excessive for the area.
- Unlikely that the proposed parking will be adequate.
- This proposal will cause permanent increased environmental pollution, via light, emissions, noise and disturbance to both wildlife and nearby neighbours
- This historic landscape should not be disturbed by building any form of permanent pathway as it is part of the heritage of the area which needs to be preserved
- The proposal is to extend this site to fulltime opening all year round. This is a very major material change of use from the existing usage which for very well nationally precedented good reason requires closure for part of the year which is common in the winter out of holiday season.

## **3 APPLICANT'S CASE**

3.1 The executive summary of the submitted Planning Statement states:

The proposals would revitalise the existing mix of touring caravan and motorhome provision at Bladon Chains with high quality tourism accommodation in the form of holiday lodges. The proposed Masterplan for the site takes its cues from the sites historic and landscape setting and has been informed by fieldwork with specialist advice from landscape and heritage consultants. The proposed masterplan incorporates landscape planting with native tree species, understorey planting and wildflower grassland. The lodges themselves have been reduced in number, from 92 touring caravans to 36 holiday lodges, and positioned to make use of existing trees on site to afford screening. The lodges will be muted in colour to further reduce their prominence in the landscape and in key views. The scale and extent of the proposed change within the existing touring facility at Bladon Chains, would result in a reduction in the number of potential structures, whilst the treatment and placement of the proposed lodges would be recessive. This will bring about benefits from both a landscape and visual and a heritage perspective alongside biodiversity gain.

The proposals will increase the number of employment opportunities at Bladon Chains and result in both capital expenditure in the area in the region of £6m alongside increased visitor spend per unit in comparison to touring caravans. The proposals offer support to the local supply chain, including local

cleaning firms, local produce and other service providers. Notably employment would be year-round, rather than seasonal, delivering real career opportunities.

The proposals meet WODC's sustainable development objectives through provision of a high-quality tourism offering that brings economic benefit to the area, improves the quality of available accommodation and delivering environmental enhancement through the proposed masterplan and planting proposals.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E4NEW Sustainable tourism

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

EH14 Registered historic parks and gardens

EH15 Scheduled ancient monuments

EW9 Blenheim World Heritage Site

EW10 Eynsham- Woodstock sub area

NPPF 2021

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

#### **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the re-organisation and upgrade of the existing Caravan Club Site to include the removal of 92 touring caravan pitches and demolition of existing site buildings, construction of replacement facilities and maintenance/housekeeping buildings with provision of static accommodation in the form of 36 Holiday Lodges. The existing caravan and motorhome site lies between Bladon and Woodstock and is approximately 3.5 hectares in size. The site lies within the Blenheim Palace Historic Park and Garden and World Heritage site. The nearest listed buildings include the Cowyards to the north west of the site and the kitchen gardens to the west. Blenheim Palace lies further to the west. The site lies within the Wychwood Project area. A public right of way passes to the west of the site running from the A4094 to the A44.

5.2 The earliest planning history recorded for this site dates back to the 1980's when planning permission was granted for the erection of a toilet block and site reception building installation of foul drainage sump and pump chamber with pump main to existing sewer (W86/0179). Since that time there have been a number of applications for additional facilities.

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

- Layout and design
- Impact on the Landscape
- Impact on heritage assets
- Highway Issues
- Biodiversity

## **Principle**

5.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018.

5.5 Policy E4 of the adopted Local Plan seeks to support sustainable tourism and states: 'Tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported.

5.6 The re-organising and upgrading of this existing caravan site is considered to be acceptable in principle subject to its impact on the landscape and heritage assets which are considered in more detail below.

## **Layout and Design**

5.7 A new reception and housekeeping building is proposed, which will replace an existing reception building. Other buildings including a toilet/shower block and store are to be removed. Both new buildings would be single story; the reception building including a shop would be constructed in stone with a natural slate mansard roof and the smaller housekeeping building would have timber clad walls with a slate roof. Overall, the proposals would lead to the demolition of 196 m<sup>2</sup> of existing buildings and the new buildings would total 191 m<sup>2</sup>. The Reception building and housekeeping building would incorporate low temperature hot water underfloor heating and hot water system generated by air source heat pumps.

5.8 The lodge buildings would comprise a mix of 2 and 3 bed units. The lodges would be timber cladded or a timber effect cladding known as 'Canoxel', incorporating a colour choice to compliment the natural environment. The use of timber effect cladding, rather than timber, it is argued will reduce maintenance requirements and avoid discolouration through weathering. Usually, the lodges are envisaged in a muted grey or brown colour. The lodges would be based on a stone plinth with a slate roof. A new internal road layout is proposed to access the lodges with an infiltration basin to the south west of the site.

5.9 A new laundry storage facility (for the holding of laundry for the caravans) will be located in a separate service area close to the existing maintenance shed. It is anticipated that the elevations would be clad with a horizontal timber or timber effect boarded finish under a slated roof. The existing small maintenance building is to be retained and re-used.

5.10 In term of the design of the lodges, the Design and Conservation Officer considers them to be somewhat poor in appearance with the low-pitched split roofs being particularly uncomfortable and it is considered that the glazed clerestories would increase prominence - with glinting in the day and light at

night. Design amendments have been suggested for a simpler symmetrical duo-pitch at around 25 degrees keeping the eaves as low as possible. Revised plans have been submitted to improve the design by removing the glazed clerestories, although the split roof form is retained. The revised improved design, is considered, on balance to be acceptable.

## **Landscape Impact**

5.11 Policy EH2 seeks to protect the quality, character and distinctiveness of West Oxfordshire's natural environment and states, inter alia, that:

*'New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.'*

5.12 This proposal will involve the replacement of the existing touring caravan and motorhome pitches on the site with permanent holiday lodges. The submitted Landscape Strategy indicates a 10m buffer zone along the eastern boundary for soft landscape treatments, replacing existing touring pitch hardstanding along much of its length; Additional planting comprising a mixture of advanced stock trees 4-5m high and feathered trees 2-3m high to create a naturalistic appearance consistent with the existing mixed tree sizes on site; Wildflower grass margins to all the boundaries below existing and proposed trees and internally where practical and a new woven willow screen fence to the northern, southern and eastern boundaries to eliminate winter views. The development also seeks to retain all trees where practical both in consideration of tree health and the facilitation of the development proposals. Two groups of trees within the site are earmarked for removal (G14 - (Silver Birch and Scots Pine) and a small element of G13 (Silver Birch). These groups of trees are both low quality (C2), tree groups, and therefore, it is argued that their loss will not be detrimental to the landscape.

5.13 The submitted Landscape and Visual Impact Assessment concludes that proposed redevelopment will result in minor beneficial impacts on the local landscape character and visual amenity in the short term, benefits that will not be realised by maintaining its current use. The permanent use of lodges throughout the year when compared against the 10-month season will result in some differential and seasonal impacts. During the two months when the park is closed, there will be minor adverse impacts on visual amenity and landscape character. During November and December, when the winter pitches are primarily in use, there will be negligible to minor adverse impacts on visual amenity and landscape character. However, for the remainder of the year, during the shoulder periods and summer months when occupancy rates are likely to average 75 touring units as opposed to 36 lodges, there will be negligible to minor beneficial impacts on visual amenity and landscape character in the short term. The replacement of a higher number of white caravans at high density on the edge of the site with no landscaping by muted-colour lodges at low density, set back from the site boundary with infrastructure landscaping, will enhance landscape quality for the majority of the year. Therefore, on balance, there will be negligible to minor beneficial impacts on visual amenity and landscape character in the short term, realised all year round. Over time the environment within the site will be enhanced and there will be an indirect minor beneficial impact on the character of the adjacent meadow which will enhance landscape quality and setting in the future. By contrast, there will be no incremental benefits as a result of maintaining the existing use, which is likely to see increased pressure and occupancy with no softening element. As such the touring use will continue to be a detracting element to the setting and will dominate the adjacent meadow, resulting in an adverse impact on the experience of the WHS. Therefore, on balance, there will be minor beneficial impacts on visual amenity and landscape character in the medium to long term as a result of redevelopment.

5.14 Whilst the impact of the current operation on the landscape is recognised, its impact is lessened during the closed months of the year and limited use during the other winter months. At this time, with the absence of vans, the site reads as part of the wider park when travelling from Bladon and towards Woodstock, when using the adjacent public footpath and in views from within the park itself. All that remains is the reception building, access roads and hardstanding. Throughout these times of year there are views across the site from various vantage points when deciduous vegetation has less screening effect. Following pre-application advice raising concerns, relating to an intensification of the use of the site, the number of holiday lodges has been reduced from 45 to 36. The proposed landscape strategy has also evolved which would help mitigate and ameliorate the impact of the development by sensitively selected hard and soft landscape treatments. It is also noted that, the existing touring caravan park, which has a 10 month season, has predominantly highly intrusive white coloured vans without the benefit of any additional screening.

5.15 On balance, it is Officer opinion that the proposed intensification of the use of the site including the provision of permanent holiday lodges for all year round holiday use would have no significant adverse impacts on visual amenity and would as concluded in the submitted LVIA have minor beneficial impacts in the short term, increasing incrementally in the medium to long term. A landscape condition is recommended to ensure appropriate mitigation planting.

### **Impact on Heritage assets**

5.16 As the caravan park lies within the World Heritage Site and the Registered Park and Garden, and also lies within the setting of the Grade I listed Palace, and the Grade II listed estate wall, this is clearly a matter of significant sensitivity.

5.17 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting and Policy EH11 of the Local plan reflects this duty. Policy EH14 also seeks to protect the significance of a Historic Park and Garden and states, inter alia, that proposals should:

*'ensure that development does not detract from the special historic interest, enjoyment, layout, design, character, appearance or setting of the Historic park or Garden, key views into and out from the Historic Park of Garden'.* Policy EW9 seeks to protect, promote and conserve the exceptional cultural significance of the Blenheim World Heritage Site.

5.18 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset.

5.19 The submitted Heritage Statement concludes ...'The scale and extent of the proposed change within the existing touring facility at Bladon Chains, would result in a reduction in the number of potential structures, whilst the treatment and placement of the proposed lodges would be recessive. No noticeably higher structures, or greater massing is proposed, and the existing screening vegetation would remain. Direct impacts on archaeological remains in the unlikely event that any are found to survive buried in site, might result from groundworks associated with utilities, foundations, and access roads, but the degree of potential effect would depend on detailed design and further information from site investigation. Indirect visual impacts would be slightly beneficial, by removing the prominence of white caravans that stand out against the rural background. The construction of single storied lodges, designed to use materials and colours that would be more in keeping with the rural surroundings, and

placed in locations less visually intrusive than the current caravan pitches, would result in a slight enhancement for the setting of the designated heritage assets which lie in proximity to the Site. The proposal would be compliant with national and local policy in that it conserves the heritage significance of the heritage assets it might affect, and seeks to enhance their setting.'

5.20 Historic England (HE) have commented that the existing caravan site use results in an adverse impact on the landscape character in views from Blenheim Park during the ten operational months of the caravan park. In comparison to existing transient nature of the existing caravan park, the proposed lodge development would be permanent. This would entail some negative heritage implications as the currently undeveloped site remains unoccupied, and thus inconspicuous and heritage harmless, during the non-operational months of January and February. However, the intended scheme would significantly reduce the current density of units at the site, and the proposed single-storey lodges of traditional design, appropriate materials and muted colour, would be less noticeable than the current white touring vans. Set back approximately 15m from the boundary fence, the lodges location would also allow for native tree planting to provide long-view screening along the meadow boundary. In addition, the proposed services buildings, constructed in natural stone or timber with slate roofs, would be less prominent in size than the existing and located further from the adjoining field. Proposed additional mitigation measures would also reduce impact from sensitive views. As such HE conclude that, the potential adverse impacts resulting from the site being developed - in comparison to being, as currently, unoccupied and thus virtually impact-neutral for two months - would be offset by the reduced heritage harm on key views of Blenheim Park's wider setting over the longer operational period.

5.21 In terms of impact on buried archaeology both HE and the County Archaeological Officer (CAO) commented that significant archaeological remains survive in close proximity the site which include the scheduled Blenheim Roman villa, and remains of Bronze Age, Iron Age and Anglo- Saxon settlements and the potential impact of the current scheme on buried archaeological deposits had not been set out in the submitted Heritage Assessment. Following these comments a Historic Environment Desk Based Assessment has been submitted but both HE and the CAO retain their objection to the application on the grounds that the results of an archaeological field evaluation still needs to be submitted prior to the determination of this application and that an assessment of the potential impact of the proposals on the significance of the Roman villa should be submitted.

5.22 An archaeological filed evaluation has been undertaken and the submitted Archaeological Evaluation Report advises that no artefacts were recovered and no deposits suitable for palaeoenvironmental sampling were encountered. The comments of the CAO are awaited and Members will be updated at Committee.

## **Highway Issues**

5.23 Access to the Site will remain as existing. The Transport Assessment (TA) submitted in support of the application concludes that in overall terms it is anticipated that the redevelopment will reduce the overall number of vehicles generated by the site and also removes a significant number of caravans and campervans from the local highway network.

5.24 OCC Highways raise no objection to the application given that the vehicular access is existing and trip rates of the proposed development is unlikely to be significantly higher than existing use. Conditions are recommended relating to cycle parking provision, Travel Plan and Construction Traffic Management Plan.

5.25 In total, 61 car spaces are to be provided on the site. This equates to one space per caravan with an additional 11 spaces for circumstances when customers bring two cars (e.g couples travelling separately.) In addition, 7 staff car parking spaces would be provided in the maintenance yard adjacent the Park entrance, with a further 7 spaces adjacent to reception for arrivals or short stops. OCC Highways consider that an acceptable parking provision is provided for guests, staff and short stay visitors.

### **Biodiversity**

5.26 Following the submission of additional ecological information, The Council's Biodiversity Officer raises no objection to the application subject to conditions.

### **Drainage**

5.27 Following the submission of a Flood Risk Assessment and Drainage Strategy, the Lead Local Flood Authority has raised no objection to the application subject to drainage conditions.

### **Conclusion**

5.28 The re-organisation and upgrading of the existing caravan site is considered to be acceptable in principle. The proposed intensification of the use of the site including the provision of permanent holiday lodges for all year round holiday use would have no significant adverse impacts on visual amenity and would have minor beneficial impacts in the short term, increasing incrementally in the medium to long term. The impact of the proposals on the setting of Blenheim Palace is considered to be limited and would result in reduced heritage harm on key views of Blenheim Park's wider setting over the longer operational period. The economic and tourism benefits of the proposal are also recognised. Therefore, having regard to the above it is considered the application proposal would accord with policies OS2, OS4, E4, EH2, EH9, EH11, EH14 and EW9 of the local plan 2018. As such the recommendation is that planning permission be approved.

## **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 occupation of the caravan lodge units hereby permitted shall be limited to holiday purposes only. None of the lodges are to be used at any time as permanent accommodation or as a primary place of residence. The owner shall provide upon request by the District Council a list of all persons who in the twelve (12) month period leading up to the date of such a request have occupied one or all of the apartments (such list is not to be unreasonably withheld or delayed).

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.

4. Before above ground building work commences, details of the proposed timber effect cladding (Canoxel) to be used in the elevations of the new caravan lodge units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

5. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to the following biodiversity enhancements:

- The creation of wildflower meadow areas;
- The creation and enhancement of a SuDS feature that will be planted with native, marginal vegetation;
- The planting of native tree species;
- Hibernacula piles;
- The protection of the woodland along the boundaries of the site, using suitable fencing;
- and
- A 5-year after-care period maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: In the interests of visual amenity and to enhance the site for biodiversity.

6. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. All works shall be carried out in accordance with the submitted Tree Survey and Arboricultural Impact Assessment dated August 2020. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

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

8. The development hereby approved shall deliver a 39.14% increase in biodiversity units and shall be completed in accordance with the following documents:

I. The recommendations in Section 5 of the Ecological Impact Assessment, dated December 2020 and prepared by RPS Group;

II. The Biodiversity Net Gain Strategy detailed within Appendix E to secure the delivery of 4.03 biodiversity units (an increase of 39.14%); and

III. The Great Crested Newt Precautionary Method of Working report, dated 12th January 2021 and prepared by RPS Group.

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority. A biodiversity net gain audit report shall be submitted to the local planning authority within 12 calendar months following the substantial completion of the relevant landscaping works.

REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. Before occupation, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations), either integrated within new external walls or mounted onto buildings or mature trees on site, as well as holes/gaps within all fences/walls for hedgehogs, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and to ensure continued permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

10. Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that light spillage into wildlife corridors (such as along the boundaries of the site) will be minimised as much as possible. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones' (such as the surrounding woodland);

- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - v. The times during construction when specialist's ecologists need to be present on site to oversee works;
  - vi. Responsible persons and lines of communication;
  - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
  - viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
  - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

12. A report prepared by a professional ecologist / the Ecological Clerk of Works or a similarly competent person certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

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

13. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the BMMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of the 39.14% (4.03 habitat units) biodiversity net gain target;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5 or 10 year period;

- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

**REASON:** To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full micro drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing to BRE DG365;
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
- Details of how water quality will be managed during construction."

**REASON:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

15. Prior to occupation, a record of the approved SuDS and site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

As built plans in both .pdf and .shp file format;

Photographs to document each key stage of the drainage system when installed on site;

Photographs to document the completed installation of the drainage structures on site;

Management company information must be provided clearly identifying the name of the company and contact details.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

16. Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods.

REASON: In the interests of Highway safety.

17. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

18. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

19. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

#### INFORMATIVES:-

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

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

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

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

- The CTMP should include the following details;
- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- 
- Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers

- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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

## Notes to applicant

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

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

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

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

- 2 The CTMP should include the following details;
  - The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction.
  - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

3 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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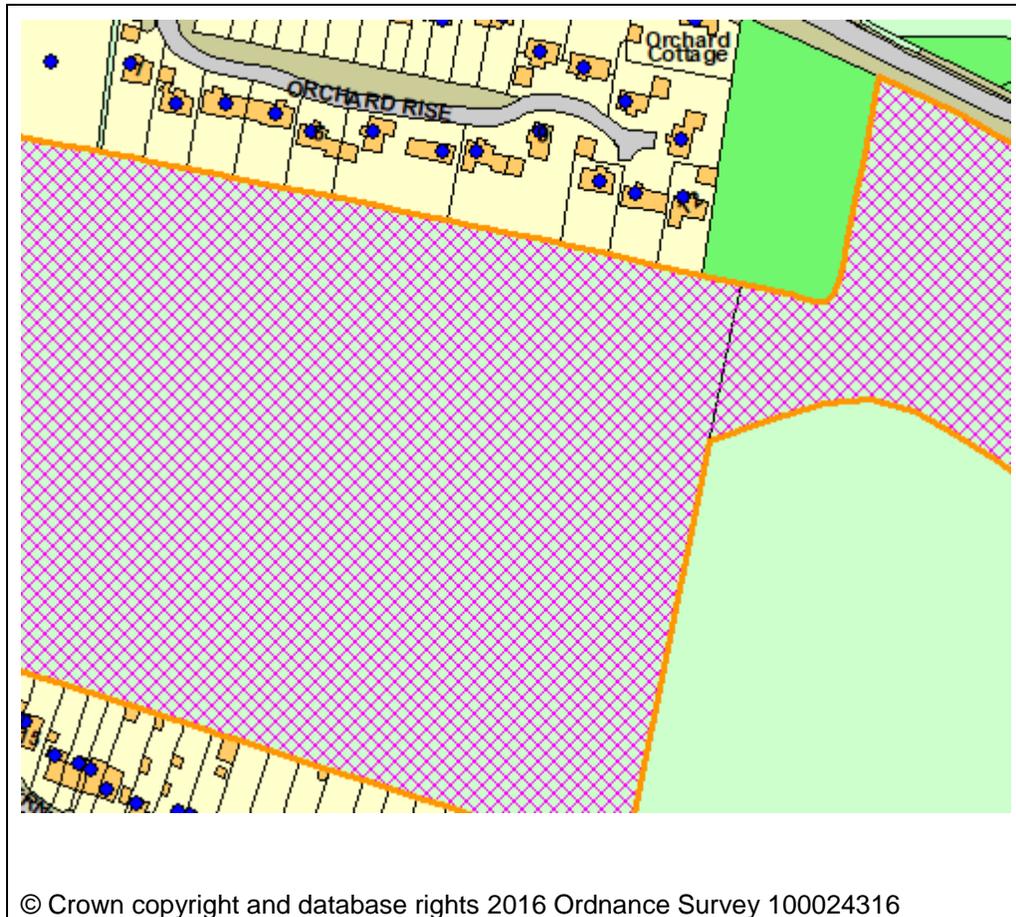
**Contact Officer:** Joan Desmond

**Telephone Number:** 01993 861655

**Date:** 1st December 2021

Application Number	21/02343/OUT
Site Address	<b>Land East Of Barns Lane</b> Barns Lane Burford Oxfordshire
Date	1st December 2021
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425313 E 211905 N
Committee Date	13th December 2021

**Location Map**



**Application Details:**

Outline planning application with all matters reserved for up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3) along with associated communal facilities, parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure.

**Applicant Details:**

Greystoke  
C/o Agent

**I CONSULTATIONS**

Major Planning Applications  
Team

Response from I.10.21

Highways- Objection for the following reasons:

- Provisions made for pedestrian and cycle access are not considered safe as well as sufficient to ensure that opportunities to promote sustainable transport modes can be taken up and that priority is given first to pedestrian and cycle movements (NPPF)

LLFA - Recommendation: Objection

Education - No objection subject to:

- S106 Contributions towards Primary, Nursery and Secondary education.

Archaeology - Recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

ERS Env. Consultation Sites

Review of the historical maps we hold suggest the site has been used as agricultural fields over time. There also appear to be a number of potentially contaminating land uses in the vicinity of the site. Given the nature and scale of the development please consider adding the following condition to any grant of permission.

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of

works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

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

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Uplands

I have No objection in principle

ERS Air Quality

No Comment Received.

WODC Planning Policy  
Manager

Key points to note by way of summary are as follows:

The Local Plan spatial strategy is hierarchal and purposefully seeks to steer new development towards the main service centres of Witney, Carterton and Chipping Norton which offer the greatest range of services and facilities;

Burford and Charlbury whilst designated Rural Service Centres are 'relatively constrained in terms of their capacity to accommodate further development' and are 'suitable for a modest level of development to help reinforce their existing roles'.

The application site falls within the Burford - Charlbury sub-area which, as set out in the Local Plan, does not include any housing allocations and does not include a windfall allowance.

The Local Plan makes it clear (paragraph 9.6.29) that proposals within the Burford - Charlbury sub-area will be considered on a case by case basis and that it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area (eg meeting identified local housing needs) and which would clearly outweigh any likely harms (eg heritage, landscape, impact on local services).

In terms of district-wide housing needs, whilst there has been a shortfall since the start of the Local Plan period in 2011, this has been modest with an oversupply in recent years against the identified annual requirement.

The overall housing trajectory remains largely on track with the exception of Salt Cross Garden Village where a proportion of the development is now likely to come forward beyond 2031 (we should also be conscious that this need is to meet Oxford City's

unmet housing need rather than the housing need within West Oxfordshire). Additional windfall development across the District is likely to make up any shortfall in overall provision.

The applicant identifies a significant need for affordable housing which is acknowledged. On this basis, it is surprising that only 19% affordable housing provision is proposed with no justification provided from a viability or any other perspective.

There is an identified need for older persons housing, however specialist provision within the District has increased significantly since 2014. It must also be noted that many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs.

Major development within the AONB such as this must be considered in the context of Local Plan Policy EHI and paragraph 177 of the NPPF. In this regard, very little justification appears to have been provided in relation to economic impact and the scope for developing outside the designated area, or meeting the need for it in some other way.

#### Other planning considerations

Impact on the highway network, which is a particularly important consideration due congestion already experienced in Burford, the constrained nature of the town and the size of the development proposed which could create a high level of additional traffic movements. Consideration of pedestrian movements to allow convenient access to the range of facilities within the town centre is also a key consideration to reduce further congestion and improve healthy lifestyles. I note that OCC raise concerns regarding the completeness of walking and cycling routes to the town centre (Policies T2, T3 and T4 of the WOLP).

Impact on ecology and the need to demonstrate a biodiversity net gain as raised by the Council's Biodiversity Officer (Policy EH3 of the WOLP)

Surface water runoff given the topography of the site and its sloping nature (Policy EH7 Flood Risk WOLP 2031)

The potential for archaeological remains of significance given the location of the site in close proximity to the historic core of Burford (Policy EH15 of the WOLP).

Whilst this is an outline application only at this stage, we need to consider the broad parameters of the proposal. I'm also mindful that the extremely lengthy vehicular access opens up the land to the south for future development particularly as it is in the same ownership. As set out in Policy OS4, high quality design is central to the strategy for West Oxfordshire. In particular, it is important to provide an inclusive design with the provision of a safe, pleasant and interesting environment including amenity open space with good pedestrian connections.

The need for upgraded infrastructure including a contribution towards Burford Primary School (Policy OS5 Supporting Infrastructure of the WOLP).

WODC - Arts

We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site.

WODC - Sports

No Comment Received.

WODC Housing Enabler

The application site is in a High Value zone as identified in the West Oxfordshire Local Plan 2018. As the proposal is predominantly for extra care housing Policy H3 of the Local Plan requires that 45% of the homes are provided as affordable housing. The proposal indicates that 18% of the homes would be affordable housing, therefore this policy requirement would not be met.

The applicant's Housing Statement uses calculations in the Oxfordshire County Council Market Position Statement Extra Care Supplement 2019-2022 to provide an indication of future need. These calculations are based on Housing LIN modelling. However, the Market Position Statement forecast quoted (a shortfall of 152 by 2026) includes for delivery through the affordable sector and does not assume provision through open market developments. Housing LIN calculations, however, present an assessment of overall need and homes delivered in the district through open market development can be offset against this indicated shortfall.

The Housing Statement highlights a number of such open market schemes that have recently provided assisted/extra care homes in the district. These include:

- Richmond, Witney - 126 homes
- Penhurst Gardens/Buchanan House, Chipping Norton - 44 homes

Other similar schemes in the district include:

- London Rd/Trinity Rd, Chipping Norton - 59 homes
- Shilton Rd, Burford - 67 homes
- Prebendal Court, Shipton Under Wychwood - 20 homes

Combined with the mainly affordable schemes identified in the Market Position Statement it can be seen the identified shortfall in the district is addressed. Also that a range of location and tenure options are provided.

The Area Action Plan for the forthcoming Salt Cross Garden Village also accommodates provision of extra care housing.

Based on the above I am not supportive of this application.

Ecologist

Response from 21.07.21

I am in the process of reviewing the information that has been submitted for the above planning application (application no. 21/02343/OUT). However, before I can proceed to review the application, additional information is required relating to the biodiversity net gain calculations.

WODC Landscape And  
Forestry Officer

#### Summary

Given the previous refusal for the development of this site on landscape and visual grounds and there being no change to the baseline context I object to the current proposal. This proposal also represents a larger amount of development in both numbers and scale than the previously refused scheme.

As highlighted above, the site lies within the Cotswolds AONB wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment, which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views. The proposal would represent major development that would not conserve landscape and scenic beauty.

Conservation Officer

Firstly, I note that infilling between the existing development to the north and south of the site will make a disproportionate impact - because of the cumulative effect. Views to the north-west from the A40 would be particularly affected, with a line of built form running from the A40 to Witney Street, which would surely tend to urbanise the eastern fringe of the settlement. And the new access road, snaking across the fields from Witney Street, would tend to complete the effect.

I also note that there are views of the fine parish church from the A40 that would be affected, if not blocked. And views from the decidedly rural Witney Street are also likely to be affected, although at present mature vegetation along the road makes it difficult to be sure.

The sensitivity of the site seems to have been recognised in the proposed outline plan, which has strategically placed areas of 'structural landscaping'. But, as ever, we would not wish to rely on planting to screen the development in perpetuity - if a development needs screening, then it is probably in the wrong place.

And whilst they have slightly less dense development at the eastern edge of the site, we note that more substantial development sits just behind.

In summary, I wouldn't rule out development here, but from our point of view it would need to be set just at the extreme western end of the site, and preferably only accessed from Barns Lane or possibly Wysdom Way...

Bryan

TV Police-Crime Prevention  
Design Advisor

Forthcoming applications should meet the requirements of the National Planning Policy Framework 2021 and HMCLG's Planning Practice Guidance on 'Design'.

I have significant concerns that the parking courts within this proposal will lack sufficient surveillance, leaving vehicles and their occupants at risk of crime and antisocial behaviour.

The safety and security of the Public open space has not been addressed, and the outline plan indicates that it may be proposed in an area lacking surveillance. Areas of POS/play should be designed and located to incorporate a high level of natural surveillance from neighbouring dwellings. The occupants of these dwellings could act as capable guardians to play areas, but need to be able to observe the area from active rooms in the dwellings to do so effectively.

Clear stem trees (clear to 2m), should be used in the planting to facilitate clear sightlines. I have particular concerns that the footpath to the north of the development away from the road may be isolated with limited surveillance, leaving users vulnerable to crime. Areas of green space adjoining the highway must also have sufficient landscaping and/or design features to prevent unauthorised vehicle incursion, to protect them from illegal encampments.

Thames Water

Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that a condition be added to any planning permission

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water,

along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

#### Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

Ness Scott

Sustainability Standards Assessment provided.

Oxford Clinical Commissioning Group NHS

NHS Oxfordshire Clinical Commissioning Group (OCCG) objects to this proposal pending confirmed additional investment through developer contributions in expanding local primary medical care capacity. Primary care is at capacity in Burford and requires additional infrastructure to provide capacity for population growth. OCCG would seek a developer contribution of £149,472 in line with the agreed Oxfordshire Primary Care Estates Strategy 2020-2025 (see p36).

Additionally, OCCG is concerned that such a large extra care facility in a small rural town places excessive demand on health and social care workforce recruitment locally. This risks being of detriment to the users of existing domiciliary care and residential care locally.

OCCG would allocate any developer contribution to increase capacity of existing health facilities in partnership with Rural West Primary Care Network and its members, rather than create new standalone provision. This is appropriate to the scale of the development and to supporting sustainable future healthcare.

Cotswolds Conservation Board

The applicant has acknowledged that the proposed development would constitute 'major development' in the context of paragraph 172 of the National Planning Policy Framework (NPPF). In effect, based on the definition of major development in footnote 55 of the

NPPF, the applicant has acknowledged that the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Paragraph 172 of the NPPF states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. As outlined below, we do not consider that there are exceptional circumstances or that the development would be in the public interest. We therefore object to the proposed development and recommend that planning permission should be refused.

#### Need

The applicant has relied heavily on district-wide, unconstrained housing need data and extrapolated this to the local level. As outlined in Appendix I, below, this data should be given little weight in the planning decision.

The applicant has also relied heavily on data from the affordable housing register (i.e. Homeseeker Plus). As outlined in Appendix I, below, this data (as presented in the applicant's supporting information) should also be given little weight in the planning decisions

The proposed development is not based on convincing, or robust, evidence of need specific to the settlement / parish or AONB sub-area. As such, it is not consistent with the West Oxfordshire Local Plan or the Cotswolds AONB Management Plan 2018-2023. It would also not be consistent with the conclusions of the Local Plan inspector's report.

Scope for developing outside the designated area or meeting the need for it in some other way

The applicant has failed to demonstrate that there is no scope for the proposed type and quantum of housing to be delivered outside the Cotswolds National Landscape or for the need to be met in some other way.

#### Detrimental effects

The undeveloped character of the site plays an important role in maintaining the rural setting of Burford and its important heritage assets, including in views from numerous locations. Developing the site would have a significant urbanising effect, which would be exacerbated by the access road extending beyond the eastern limits of the settlement boundary.

#### Tilted balance

We consider that the application of policies in the National Planning Policy Framework (NPPF) provide a clear reason for refusing the proposed development. As such, there should not be a 'tilted balance' in favour of granting planning permission. On the contrary, the major development status of the proposed development, in effect, provides a presumption against granting planning permission.

Natural England

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of Cotswolds AONB.

The application site is an agricultural field forming a countryside setting for the town of Burford, including historic buildings such as the Grade I listed Church. The scale of development proposed in this location would have a detrimental impact on the setting of Burford within the landscape, and would be visible from a number of viewpoints including footpaths within the AONB compromising the special qualities of views in and out on the AONB. Whilst some planting has been proposed to help mitigate the effect on views, this will take some time to mature and is not typical of the landscape here, resulting in an impact for a considerable time period. Once matured, planting is unlikely to be able to be completely effective in mitigating the visual impact of development of this scale. As such, we do not think the proposal is consistent with the conservation of the special qualities of the Cotswolds AONB, which include river valleys and distinctive settlements, both of which would be negatively impacted.

Adjacent Parish Council

No Comment Received.

OCC Archaeological Services

No Comment Received.

Parish Council

Strongly and unanimously opposed to the proposals on the following grounds:

Summary of grounds are:

- Previous reasons for rejecting housing development on this land are even more compelling now than they were before
- It would destroy landscape and natural beauty and seriously interfere with wonderful views across open countryside from a number of public vantage points without any exceptional circumstances or public interest to justify the damage caused
- A major development would seriously and irrevocably impact on this heritage setting. Harmful to views of the Grade I listed St John the Baptist Church. The overall effect of the proposed development would be to urbanise the Eastern edge of Burford with no countervailing advantage
- Harmful impact on community infrastructure including schools, traffic and parking, flooding and sewage.
- Burford nor WODC does not need this development

Whilst Burford Town Council strongly object to this application as our earlier communication, should West Oxfordshire District Council be minded to grant permission for this development, Burford Town Council would require the developer to fund the following by way of S106 contribution.

For a contribution to upgrading the Play area in Burford Recreation Ground to support the increase in children in the town.

Number of pupils at Burford Primary School from Burford Catchment Area = 72 Number of new children from preschool and primary school the development would add to Burford according to OCC = 73 Cost of new play area estimate from Wicksteed = £100,000. Proportion of new play contributed to new children from this development =  $£100,000 * 73/145 = £50,345$

Please confirm that such an agreement for S106 contribution would be included in any permission granted.

Major Planning Applications Team

Consultation period expires 6th December.

ERS Env. Consultation Sites

Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

The following report has been submitted with the application.

WSP Phase I Preliminary Risk Assessment Land East of Burford. Project no: 70028707. Dated February 2017.

The report outlines the findings of a Desk Study, site walkover and preliminary risk assessment of the subject site. Based on the conclusions of the report a limited intrusive investigation is recommended. The findings and conclusions of the report are generally supported, however please could the following comments be passed to the applicant for clarification.

- The site walk over was completed 5 years ago. An updated site walkover should be completed prior to the intrusive investigation commencing.
- The description of the proposed development in the report is different to that outlined in the planning application. The potential risk to receptors based on the proposed development should be considered.
- The appendices for the report are missing, please can these be submitted.

Given that further works are proposed please consider adding the following condition to any grant of permission.

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

2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Regards

Jackie McLaren  
Technical Officer - contamination

Consultation period expires 6th December.

Ecologist

Response from 16.11.21

I am sending you this response with regard to the details about biodiversity net gain only at this time - I will have other comments to make on the proposed development with regard to other biodiversity considerations (e.g. protected species) and I will send these to you next week.

Generally, the biodiversity net gain (BNG) assessment and metric have been completed appropriately, apart from three areas that must be resolved before a positive determination of the application as follows:

- There is a shortfall of 0.89ha between the total habitat area lost in the baseline and the amount of habitat area being created. This should be resolved if possible.
- It is currently unclear how the "Fairly Good" condition of the grassland would be achieved as part of the proposed habitat creation. Achieving this target condition is critical to meeting the 10% gain for area-based habitats (if only Moderate condition is targeted, then it would fail to meet the 10% target) and it needs to be clearly justified. There is additional information about this in the council's guidance note on the website.
- No on-site habitat enhancement is included. This is a missed opportunity and enhancements to retained habitats must be applied where possible.

## 2 REPRESENTATIONS

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

249 objections have been received, a large proportion of which are proformas or letters in a standard format. The objections refer to the following matters:

1. Harmful impact on Conservation Area
2. Harmful impact on Area of Outstanding Natural Beauty
3. Impact on highways - turn to Upton which leads into Sheep Street. Burford Road infrastructure. General Infrastructure cannot cope already. The constrained nature of the town and the size of the development proposed which could create a high level of additional traffic movements.
4. Effect on Local Ecology - bats
5. Design and layout - it would not easily assimilate into its surroundings resulting in the loss of an area of open space.
6. Landscape - affecting an area of open space, visible in a number of public views.
7. Neighbourliness
8. Conflict with Policy
9. Increased danger of flooding - Access to the field through Frethern Close and Wysdom Way is neither safe nor practical. Access through Witney Street is on a dangerous corner where speeding is an issue, on a road that frequently floods. Also creates increased danger of flooding in the lower half of Burford.
10. Impact on sewage system - already at full capacity and cannot stand a further 35% increase to those requiring sewage services.
11. Larger amount of development in both numbers and scale than the previously refused scheme.
12. Impact on tourism
13. Impact on services - adverse impact on schools, medical services. With regard to schools, both the Primary and Secondary school are full. The primary school has just extended its capacity to the maximum, planning permission has been submitted for two temporary classrooms to cope with the current surplus demand.

2.2 letters of support have been received:

- Provision of affordable housing needed
- Cole's Field seems a perfectly viable site for a development, but I do not believe building 141 assisted extra care units (and just 32 "affordable" houses) is the correct

use of this space. There is a national housing shortage which is not going to improve if by building extra care units.

- Not an issue to develop site given it has houses above and below and it's just the middle gap. My only concern would be the access granted via frethern close, but if that was just a footpath and all car access entered via the bottom wideford rd I can't see the issue. T
- Towns need people in to thrive and bring more to the community.

### **3 APPLICANT'S CASE**

3.1 The Supporting Planning Statement concludes their case as follows:

Overall it can be demonstrated that the proposals would be in general accordance with the development Plan, save for a partial conflict with Policy H3 relating to affordable housing. The proposals would deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below.

These include:-

- Provision of Extra Care Housing - Substantial
- Provision of Affordable Housing - Substantial
- Expenditure on construction and investment - Significant
- Creation of short term construction jobs - Moderate
- Creation of long term employment on site - Moderate
- Increased local expenditure - Limited/Moderate
- Financial contributions towards off site infrastructure - Limited
- Increased public access to open space in the AONB - Limited/Moderate
- New native planting and biodiversity enhancements - Moderate
- The potential adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
  - Loss of countryside - Limited
  - Impact on the landscape and scenic beauty of the AONB - Moderate
  - Partial conflict Local Plan Affordable housing policy - Moderate

All other identified impacts can be avoided, mitigated or addressed through Reserved Matter applications, Planning conditions and/or obligations.

Notwithstanding the limited partial conflict with the Development Plan material considerations are still capable of outweighing that conflict in the context of s38(6) in the unweighted balance.

If the tilted balance is applied then the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits in the context of NPPF paragraph 11d.

As such the proposals represent sustainable development in the context of the Development Plan and national policy and accordingly, they should be approved.

#### **Concluding Comments**

Having undertaken the planning balance as outlined above, the Applicant reaches the conclusion that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons which justify the grant of planning permission.

In view of the forgoing, the LPA is respectfully requested to grant Outline Planning Permission, subject to any necessary conditions and planning obligations.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
EH1 Cotswolds AONB  
EH3 Biodiversity and Geodiversity  
EH5 Sport, recreation and children's play  
EH7 Flood risk  
EH9 Historic environment  
EH10 Conservation Areas  
EH13 Historic landscape character  
BC1NEW Burford-Charlbury sub-area  
NPPF 2021

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

## **5 PLANNING ASSESSMENT**

5.1 This is an outline planning application with all matters reserved for up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3) along with associated communal facilities, parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure. The application is accompanied by a number of supporting documents, including a Design and Access Statement and a Planning Statement. These are available to view on the Council's website.

5.2 The site is located on the eastern side of the town of Burford. It comprises a Greenfield area of approximately 7.68ha. The land is under arable cultivation and is not classified as best and most versatile land in agricultural terms. The north, south and west boundaries are formed by residential rear garden boundary treatments of various types. The east boundary is marked with a dilapidated drystone wall and sporadic hedge/trees. Beyond the east boundary is further agricultural land. An existing agricultural access is taken from Barns Lane to the west.

5.3 There are residential properties on three sides of the site. The houses at Orchard Rise are at a substantially lower level than the field. Adjoining properties are generally two storey in height.

5.4 The site is within the Burford Conservation Area, part of the boundary of which follows the eastern boundary of the site. There are a number of Listed Buildings in the vicinity, but not close to the site. The site is within the Cotswolds Area of Outstanding Natural Beauty.

5.5 Planning application 17/00642/OUT was refused by members of the Uplands Planning Sub-Committee for the proposed development of the site for up to 70 dwellings (C3 use) for the following reasons:

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraphs 17, 58, 109, 115 and 116.

2. The site is a substantial agricultural field forming part of an extensive area of countryside around Burford that provides a setting for the town. The site is substantially within the Burford Conservation Area, with only the means of access sitting outside it. A large number of Listed Buildings and undesignated heritage assets are located in the vicinity. The Grade I Listed church of St John, and in particular its spire, is inter-visible with the site from a number of public viewpoints. The proposed development would significantly encroach into the countryside and would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies H2, BE2, BE5, and BE8, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, and EH7, and the relevant paragraphs of the NPPF, particularly paragraphs 131, 132, and 134.

3. The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, makes an appropriate contribution to public transport services and infrastructure, and provides for public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

5.6 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 AONB  
Heritage Issues  
Layout and Scale  
Highways  
Ecology  
Drainage and flood risk  
Residential amenity  
Affordable Housing  
Infrastructure/Developer Contributions

### **Principle**

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

indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

5.8 The Local Plan identifies Burford as a rural service centre. Policy H2 states that new dwellings will be permitted on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.9 Policies OS2 and BCI state that Burford is relatively constrained by its AONB location and is suitable for a modest level of development to help reinforce its existing rural service centre role. The supporting justification for Policy BCI advises that no allowance is made for future speculative 'windfall' development (an allowance for which has been made in the other sub-areas) but that this does not mean that no further housing development will be permitted but proposals will be considered on a case by case basis and that it would need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area (e.g meeting identified local housing needs) and which would clearly outweigh any likely harms (e.g heritage, landscape, impact on local services). Housing proposals which constitute 'major development' will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.

5.10 Given the scale and nature of this development an exceptional need for this development would need to be demonstrated. The need case submitted is examined in more detail below.

### **Impact on AONB**

5.11 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EH1 of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB.

5.12 Paragraph 177 of the NPPF advises that applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

#### *Exceptional circumstances case*

5.13 The applicant has set out a background context for the exceptional circumstances test, based on the emerging Local Plan process and the site's draft allocation. Nevertheless, this site is not allocated in

the Local Plan and as such convincing evidence would need to be presented to demonstrate that it is necessary to meet identified housing needs, as set out in Policy H2.

5.14 The exceptional circumstances presented are as follows:

The need for development and scope to provide for it in some other way:

- There has been a shortfall in housing delivery relative to both housing need and the minimum stepped housing requirement across the district.
- There is an insufficient deliverable supply to even provide for the minimum five-years required by national policy and the shortfall is significant.
- There is an insufficient plan period supply to meet even the minimum housing requirement over the plan period across the district contrary to the requirements of paragraph 67b of the NPPF.
- There has been a significant under-delivery of affordable housing relative to need over the plan period across the district and as a result, there is now a significantly greater need for affordable housing to be delivered
- There has been a significant under-delivery of specialist housing for older people over the plan period across the district and there is an identified need for additional extra care housing as part of the wider need for specialist accommodation.
- The provision of extra care accommodation will support the health and wellbeing of residents and therefore provide for the social objective of sustainable development.
- The provision of such accommodation will also have the benefit of responding to the general housing needs by reducing the demand on the housing stock and by releasing some of the existing housing stock for occupation by households.
- There is a particular need for housing in Burford and the sub-area to respond to the inaccessibility of the market.
- There are particularly acute levels of affordable housing need within Burford and the sub-area.
- There are particularly acute levels of need for specialist housing for older people within Burford and the sub-area.
- It will support the economy and social well-being of communities in the AONB

5.15 Whether any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated - there would be no significant adverse effects that would warrant refusal in the context of the overall NPPF paragraph 172 assessment. The proposals would also deliver demonstrable benefits in terms of significant new planting, increased access to this part of the AONB and biodiversity enhancements.

5.16 In term of housing delivery and need (including the provision of affordable housing) the Council's most recent housing land supply position statement was published in January 2021 and covers the period 1st April 2020 - 31st March 2025. It identifies that in the period 1st April 2011 - 31st March 2020, the overall housing requirement was 4,950 homes set against delivery of 4,437 homes - i.e. a shortfall of 513 dwellings. However, this is a result of under-delivery in the early years of the plan period with delivery since 2017 having been above the stated annual requirement. Furthermore, in accordance with Policy H2 of the Local Plan, this small level of under-supply is able to be met over the remaining plan period to 2031 and thus has a very modest impact on the immediate 5-year requirement (adding just 233 homes to the base figure). In terms of 5-year housing land supply, the applicant contends that instead of applying the 'Liverpool' approach to dealing with the backlog of unmet need, that the Council should apply the alternative 'Sedgefield' approach. The applicant has also raised questions regarding a number of the Council's assumed housing land supply assumptions. On this basis, it is stated that the Council is able to demonstrate at most a 3.87 year land supply using the Sedgefield approach or a 4.12 year land supply

using the Liverpool approach and that on either basis, the Council is unable to demonstrate a five-year land supply such that paragraph 11d of the NPPF is engaged.

5.17 Appeal decisions have confirmed that it would not be reasonable to apply a different approach to that set out in the adopted policy in the Local Plan and given this approach it is the Council's view that it is able to demonstrate a 5 year supply of deliverable housing sites.

5.18 In terms of specialist housing needs, the need for such housing is acknowledged and covered under Policy H4 of the Local Plan. An assessment of older persons housing needs prepared by Contact Consulting in respect of an extra care scheme in Freeland, identifies total provision of places for older people in West Oxfordshire at 1,158 units. This is a significant increase over and above the 614 units identified in the SHMA in 2014 demonstrating that significant additional provision of older persons housing as a whole has been made in West Oxfordshire since the SHMA was prepared back in 2014. It is also noted that many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs.

5.19 Even if a case was made that there is an unmet housing need in the District, recent appeal Inspectors have held that the circumstances of a housing shortfall, including challenges around providing for affordable housing are not unusual and would not amount to exceptional circumstances that would justify harm to the AONB. The social and economic benefits identified would apply to any similar form of development, irrespective of its location, and as such would not amount to exceptional circumstances in this case. In terms of the need to assess alternative sites, outside the AONB, the application refers to an outdated Local Plan Topic Paper and fails to undertake an updated analysis including sites adjacent to main/rural service centres, Strategic Development Areas or sites identified in the SHELAA which lie outside the AONB. In terms of bullet point c) of paragraph 177 of the NPPF, as detailed above, the effects on the environment and landscape are assessed in more detail below but it is clear that a development of the scale proposed has the potential to have a significant impact on the wider environs including the Cotswolds AONB, the character and setting of the Conservation Area and the historic core of Burford, which contains a high number of Listed Buildings.

#### *Landscape Impact*

5.20 The site is located within Landscape Character Type (LCT) 16: Broad Floodplain Valley and Landscape Character Area (LCA) 16A Lower Windrush Valley as defined by the Cotswolds AONB Landscape Strategy and Guidelines (June 2016). In addition to the AONB character assessment the site is located within the Upper Windrush Valley Landscape Character Type as defined within the West Oxfordshire Landscape Character Assessment (1998). The topography of the area is comprised of sloping landform with the site located on the crest of a hill, the elevation falls quickly beyond the north of the site down to the River Windrush. Due to this rapid drop in elevation, the site occupies an exposed location within the landscape. These shallow valleys are characteristic of the surrounding landscape as the River Windrush meanders through the landscape. The settlement to the north, south and west filters much of the site in neighbouring views limiting them to glimpses between intervening features. From the east, the site is visible in both local and distant views to varying extents. Middle distance and distant views from locations within the AONB are prevalent from a number of vantage points to northerly and easterly orientations. The submitted LVIA shows a number of viewpoint examples to these orientations.

5.21 The applicant's submitted Landscape and Visual Impact Assessment concludes that:

'Overall, the development proposals have been assessed to conserve the wider landscape character, with proposals forming a modern infill to the existing settlement. Overall, the development is assessed as having a slight adverse significance of effect on the local landscape character and site elements, where development would result in a small loss of agricultural land and openness at site level. Visual effects are assessed as overall slight to moderate adverse initially until mitigation measures have established sufficiently, reducing to slight adverse upon establishment. When established the new green infrastructure will create a robust and well defined edge to the settlement in this location.

5.22 The rural landscape that forms the interface with the settlement edge is influenced by settlement and highway features. As such it does not reflect the condition or have the number of special qualities associated with the AONB as the wider rural landscape does. Although policy applies a high value to all areas of the AONB, the study site and adjoining rural edge are not the same quality and do not have the same value as the wider rural landscape with intact features, dark skies and high levels of tranquillity. In this respect landscape and visual effects are limited to an area of the AONB where the landscape does not fully reflect the published landscape character or contain the special qualities which underpin the value of the Cotswolds AONB. With the establishment of the proposed green infrastructure, landscape and visual effects can be contained to the settlement edge and mitigated due to the lower susceptibility of the existing settlement edge to development. The provision of new natural open space and green infrastructure creates opportunities for enhancement, including ecological habitat opportunities and open space accessible to the public where no access is presently available. This open space and new green infrastructure will soften the settlement edge in this location, improving the transition from settlement to wider rural landscape.

5.23 The proposals address national and local policies which seek to conserve the landscape character and scenic beauty of the Cotswolds. Although the development will lead to a loss of open arable land, this harm is contained and mitigated in this location to conserve the wider rural landscape character and the character and distinctiveness of the historic settlement core.'

5.24 The CBA Report providing Landscape and Heritage Advice on the West Oxfordshire Local Plan Allocations concluded that this site was of medium-high landscape sensitivity and high visual sensitivity. *Whilst some AONB elements/characteristics and special qualities could be vulnerable to development it was considered that they would not preclude it, subject to an appropriate character, form, density and design. It was concluded that in landscape and visual terms a development of approximately 70 homes could be accommodated on the site, ensuring that development is generally of low density with significant areas of green space provided in the central parts of the site and towards the southern and northern boundaries. Any greater dwelling numbers than these could make it more difficult to achieve an appropriate form/character or result in significant adverse impacts.*

5.25 Natural England has objected to the application on the grounds that the scale of development proposed in this location would have a detrimental impact on the setting of Burford within the landscape, and would be visible from a number of viewpoints including footpaths within the AONB compromising the special qualities of views in and out on the AONB. Whilst some planting has been proposed to help mitigate the effect on views, this will take some time to mature and is not typical of the landscape here, resulting in an impact for a considerable time period. Once matured, planting is unlikely to be able to be completely effective in mitigating the visual impact of development of this scale. As such, we do not think the proposal is consistent with the conservation of the special qualities of the Cotswolds AONB, which include river valleys and distinctive settlements, both of which would be negatively impacted.

5.26 The Council's Landscape Consultant objects to the application and comments that the proposal represents a larger amount of development in both numbers and scale than the previously refused scheme. *The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment, which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views.* In conclusion, the proposal would represent major development that would not conserve landscape and scenic beauty.

## **Heritage Issues**

5.27 The site is within the Burford Conservation Area, and there are a large number of listed buildings within it. The setting of all nearby listed buildings and the effect on the Conservation Area need to be considered under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties. There are no known archaeological features within the site but it is within an area of archaeological potential.

5.28 Paragraph 199 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, the test is that the harm should be weighed against public benefits.

5.29 A Heritage Statement has been submitted by the applicant which concludes:

Although the site comprises open agricultural land and the western parcel is located within the Conservation Area boundary, its intrinsic character and appearance does not contribute to the special interest of the Conservation Area. Furthermore, it is enveloped by modern residential development on its north, west, and south sides, it cannot be experienced from the historic settlement core, and it does not appreciably contribute to the experience or appreciation of the historic rural surrounds of Burford. For these reasons, the site is not considered to better reveal the special historic or architectural interest of the Conservation Area or contribute to the significance of the asset through character, appearance, or setting. Through appropriate detailed design and building materials, it is anticipated that the proposed development will blend with the wider townscape of Burford and will cause no harm to the significance of the Conservation Area. Regarding the parish church, there is no known evidence of a direct association between the church and the site in terms of landownership or functional use, and the site is an indistinct element of select, long-range views of the church tower and spire from the wider locality, particularly because of the modern residential development that surrounds the site. Overall, the site does not better reveal the historic rural setting of the church and does not contribute to its heritage significance through setting. As per the assessment of the Burford Conservation Area, it is anticipated that the residential development of the site will not undermine the ability to appreciate the special historic and architectural interest of the church. In the long-range views identified, the new development is anticipated to result in an indistinct change to the wider content of glimpsed views of the church tower and spire, and it will not undermine the ability to appreciate the wider rural context of the church. The proposed development is therefore anticipated to cause no harm to the heritage significance of the Grade I Listed Church of St John the Baptist through change to its setting. The archaeological potential of the site has been previously assessed as part of recent Outline Planning Application 17/00642/OUT. No objection to the development of the site was raised by the LPA on the grounds of archaeology, no predetermination works were requested, and appropriately worded conditions were recommended to deal with any necessary archaeological investigation and recording.

5.30 The CBA Report providing Landscape and Heritage Advice on the West Oxfordshire Local Plan Allocations advised that *Overall, the visual prominence of the Site in longer distance views from the north and east provides the greatest constraint in historic environment terms. These views are a notable aspect of the conservation area's setting and the setting of the grade I listed church. Development of the Site could have an adverse impact on these views, altering the character of the conservation area and the setting of its historic core and the church. The Site is however away from the core of the conservation area and is of limited historical value in its own right. It also lies away from the main historic and modern approaches to the town and is already flanked by modern development.*

5.31 *In this context, development of the Site for residential uses would probably not result in substantial harm to the significance, setting, character or appearance of the conservation area or church; but it would result in some harm. The scale of harm is not considered sufficient to entirely rule out the allocation of the Site for residential development but design based mitigation would be required to address this potential harm. In historic environment terms key measures that could be considered include:*

- *Ensuring development does not reinforce or further exaggerate the harsh skyline to the south of the Site caused by existing modern development;*
- *Ensuring that development retains a degree of openness on the Site;*
- *Ensuring that access to the Site does not extend the perception of urbanisation to the east;*
- *Restricting building heights to 1.5 / 2 storeys; and*
- *Implementing a landscape design scheme to reduce the visual prominence of new built development.*

5.32 The Conservation Officer (CO) has commented that infilling between the existing development to the north and south of the site will make a disproportionate impact - because of the cumulative effect. Views to the north-west from the A40 would be particularly affected, with a line of built form running from the A40 to Witney Street, which would tend to urbanise the eastern fringe of the settlement. Views of the fine parish church from the A40 would be affected, if not blocked and views from the decidedly rural Witney Street are also likely to be affected, although at present mature vegetation along the road makes it difficult to be sure. The sensitivity of the site seems to have been recognised in the proposed outline plan, which has strategically placed areas of 'structural landscaping', but, as ever, we would not wish to rely on planting to screen the development in perpetuity. Whilst the illustrative layout plan indicates slightly less dense development at the eastern edge of the site, more substantial development is indicated just behind. The CO, similar to the CBA report, does not rule out any development on the site but considers that it would need to be set just at the extreme western end of the site, and preferably only accessed from Barns Lane or possibly Wysdom Way. It is also noted that the mitigation measures recommended in the CBA report in respect of impact on the skyline; retaining a degree of openness of the site; not extending the perception of urbanisation to the east; building heights restricted to 1.5/2 storey and appropriate landscape design scheme to reduce visual prominence are not incorporated in the proposed scheme. Indeed, the parameter plans indicate development upto 16m in height on the part of the site of higher sensitivity.

5.33 In summary, there will be harm to the heritage assets and it is necessary for the harm identified above to be weighed against public benefits of the proposal. In this respect it is not considered that the economic and social benefits arising from the scheme which will deliver extra care housing and affordable housing units with associated benefits does not outweigh the less than substantial harm arising in this case.

## **Layout and Scale**

5.34 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. The design of places and buildings is influenced by how these components are put together.

5.35 An illustrative masterplan has been submitted with the application to show how the site could accommodate the proposed development. The Design and Access Statement (DAS) states that the development will achieve an average density of 23 dwellings per hectare (dph) across the site, which allows for the formation of differing densities across the development; including slightly higher densities towards the western boundaries near existing residential development, and lower densities towards the peripheries of the site in the north-east. The height and massing of the proposed development will vary across the site with the majority of the development being 2-storey. Taller buildings would be located in the central parts of the site. The submitted Building Heights Parameter Plan indicates a flexibility zone in the central part of the site where heights would be a maximum of 16m; elsewhere they would be a maximum of 12.5m and around this central zone they would be a maximum of 10.5m. Such development would be out of keeping with the local context of the site where development is predominant two storey and would conflict with the advice in the CBA Report (as detailed above) which recommended restricting building heights to 1.5 / 2 storeys.

Given the parameter plans submitted the proposal would fail to accord with Policies OS2 and OS4 in that it would not be of a proportionate and appropriate scale and would not form a logical complement to the existing scale of development in the area.

5.36 The Thames Valley Crime Prevention Design Advisor has made reference to the need to ensure that schemes aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this respect particular concerns are raised in respect of elements of the illustrative masterplan with regard to the parking courts which would lack sufficient surveillance, leaving vehicles and their occupants at risk of crime and antisocial behaviour; The safety and security of the Public open space which may lack surveillance and the location of the footpath to the north of the development away from the road which may be isolated with limited surveillance, leaving users vulnerable to crime. These matters could be addressed in subsequent reserved matters applications should planning permission be granted.

## **Highways**

5.37 The proposed potential site access points for the development is off Witney Street, in the north-east of the site and off Wysdom Way in the south. Additionally, from Barns Lane to the west, a 4m footway/cycleway is proposed, providing links towards Burford town centre.

5.38 The submitted Transport Assessment (TA) concludes that the proposed development would have no material adverse impact on the safe operation of the local highway network. It also concludes that the site is well located in terms of sustainable accessibility, with good foot and cycle connectivity and opportunities for travelling by public transport.

5.39 OCC Transport has raised an objection on the grounds that provisions made for pedestrian and cycle access are not considered safe as well as sufficient to ensure that opportunities to promote sustainable transport modes can be taken up and that priority is given first to pedestrian and cycle movements (NPPF). In term of the proposed access arrangements, the primary access off Witney Street seeks to incorporate a 5.0m wide carriageway with a 2.0m wide footway to its northern frontage. The footway provision is however noticed to terminate abruptly without it connecting onto any existing footway nor there being a crossing to link onto the footway running along the eastern/northern side of Witney Street. OCC advice that this is unacceptable and contradicts the NPPF (paragraph 110) - to ensure safe and suitable access to the site can be achieved for all users.

5.40 Witney Street is subject to national speed limit for the majority of its length, including the proposed site access. The national speed limit zone changes to 30mph at a point about 200m west of the site access. To ensure that the new site access operates as safely as possible, the relocation of the 30mph/60mph speed zone to a suitable location east of the site access would be required. In respect of the secondary access off Wysdom Way, this is an extension of the cul-de-sac which incorporates a 5.0m wide access carriageway with 2.0m wide footways on both sides. OCC has advised that there is a discrepancy in carriageway width with the TA stating it to be 5.5m. Clarification on this has been requested. Also noted is the incoherency in footway provision along Wysdom Way that the applicant needs to address. The proposals as presented would leave pedestrians in the middle of the road albeit for short sections and as such would fail to provide a safe and suitable access for all users would be contrary to Policy and advice in the NPPF. OCC conclude that whilst walking and cycling connections have been provided for within the site and leading up to site accesses, little consideration has been given to the quality of provision that would complete routes to the town centre and local amenities.

5.41 In response to the objection raised by OCC, a Highways response note has been submitted, which can be viewed on the website. This note advises that a crossing point with tactile paving at Witney Street would be provided which would allow for safe and suitable access to the site to be achieved for all users. The width of Wysdom Way has been confirmed to be 5.5m in width and the access off Wysdom Way would be 5.5m in width. The desire line to the bus stops on the A40 is using the southern footway on Wysdom Way. The northern footway is blocked by a fence on the western edge of the driveway. A dropped kerb would be provided to direct pedestrians from the northern side to the southern side. The response note also comments on the proposed connections and other transport queries raised. A response on this note is awaited from OCC Transport and Members will be updated at Committee.

## **Ecology**

5.42 Following the submission of further ecology information including a biodiversity net gain (BNG) assessment and metric, the Biodiversity Officer has again requested further information and clarification on BNG matters and additional comments on other biodiversity considerations (e.g. protected species) are awaited. Members will be updated on ecology matters at Committee.

## **Drainage and flood risk**

5.43 The site is within Flood Zone 1 and therefore at low risk of flooding. However, concern has been expressed locally about flooding, drainage, and potential contamination issues. The Lead Local Flood Authority (LLFA) have objected to the application on the grounds that further information is required including the submission on a detailed surface water management strategy in accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. A response to the LLFA comments has been submitted, which includes answers to the various queries

raised and advices that given the outline nature of the application, the Flood Risk Assessment can only be illustrative but adequately demonstrates the principles of a deliverable drainage scheme which can then be secured by a planning condition. Comments from the LLFA on the latest information submitted are awaited and Members will be updated at Committee.

5.44 Thames Water has advised that they are unable to determine the waste water infrastructure needs of the application and as such request a condition to ensure adequate foul drainage measures are provided.

### **Residential amenity**

5.45 The indicative masterplan shows that the proposed development could be accommodated on the site and indicates the affordable housing units being sited on the southern part of the site backing onto properties located off Frethern Close. All matters such as layout, scale and appearance are reserved for later consideration. Issues such as privacy, overlooking and overbearing impacts on residential amenity would be addressed at the reserved matters stage.

5.46 Given the change in levels between the site and the development at Orchard Rise, there is understandable concern about the potential for the development to appear overbearing. In this regard, the indicative plans show that a substantial set-back could be achieved so that Orchard Rise was separated by a wide landscape buffer. It would be necessary to avoid planting species that would be tall at maturity so that overshadowing from trees close to the boundary is not created.

5.47 The indicative Witney Street access would emerge directly opposite the front elevation of Springfield House/Cottage. The three properties in this location currently experience low traffic levels and a rural outlook and environment. The use of the access to serve the bulk of the development would introduce additional noise from the passage of cars, and their braking and acceleration at the access point. There would be light pollution from car headlights and potential light shining into windows given that the houses are below the level of the proposed road. It is acknowledged that the proposed planting either side of the access would help to ameliorate these effects but it is unlikely that they could be completely overcome. There would be some harm to the residential amenity of these properties.

### **Affordable Housing**

5.48 The application includes the provision of 32 affordable housing units. The Council's Strategic Housing and Development Officer has commented that the application site is in a High Value zone as identified in the West Oxfordshire Local Plan 2018. As the proposal is predominantly for extra care housing Policy H3 of the Local Plan requires that 45% of the homes are provided as affordable housing. The proposal indicates that 18% of the homes would be affordable housing, therefore this policy requirement would not be met. The applicant's Housing Statement uses calculations in the Oxfordshire County Council Market Position Statement Extra Care Supplement 2019-2022 to provide an indication of future need. These calculations are based on Housing LIN modelling. However, the Market Position Statement forecast quoted (a shortfall of 152 by 2026) includes for delivery through the affordable sector and does not assume provision through open market developments. Housing LIN calculations, however, present an assessment of overall need and homes delivered in the district through open market development can be offset against this indicated shortfall. The Housing Statement highlights a number of such open market schemes that have recently provided assisted/extra care homes in the district. These include:

- Richmond, Witney - 126 homes
- Penhurst Gardens/Buchanan House, Chipping Norton - 44 homes

Other similar schemes in the district include:

- London Rd/Trinity Rd, Chipping Norton - 59 homes
- Shilton Rd, Burford - 67 homes
- Prebendal Court, Shipton Under Wychwood - 20 homes

5.49 Combined with the mainly affordable schemes identified in the Market Position Statement it can be seen the identified shortfall in the district is addressed. Also that a range of location and tenure options are provided. The Area Action Plan for the forthcoming Salt Cross Garden Village also accommodates provision of extra care housing. The Council's Strategic Housing and Development Officer objects to the application on the grounds that it fails to provide adequate affordable housing as required under Policy H3 of the adopted Local Plan.

### **Infrastructure/Developer Contributions**

5.50 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.

5.51 As detailed above, OCC Transport has recommended that a contribution should be paid towards public transport services (£181,823) and infrastructure (£19,624); Travel Plan monitoring (£2,379) and a Traffic Regulation Order (£3,120) to extend or relocate the speed limit zone along Witney Street. A separate S278 agreement would cover necessary highways works at Barns Lane and Witney Street.

5.52 OCC Education has requested contributions towards Primary and nursery education (£68,560) and Secondary education (£139,242).

5.53 The OCCG has requested a contribution of £149,472 towards expanding local primary medical care capacity.

5.54 Comments from the Leisure Team in respect of Sport and Recreation provision is awaited and Members will be updated at Committee.

5.55 Policy H3 requires that 45% of the homes are provided as affordable housing. As detailed above the application fails to provide for adequate affordable housing provision.

5.56 Burford Town Council has requested a contribution (£50,345) to upgrading the Play area in Burford Recreation Ground to support the increase in children in the town.

5.57 A legal agreement will be required to secure the provision and management of Public Open Space and Green Infrastructure.

5.58 There is not a completed S106 making provision for the required contributions or for the provision of the required affordable housing or provision and management of Public Open Space and Green Infrastructure. As such the proposal conflicts with Policies OS5, H3, T2, T3, EH4 and EH5 of the Local Plan.

### **Other Matters**

5.58 A Preliminary Risk Assessment has been submitted and Members will be updated on the comments of the Environmental Protection Team.

## **Conclusion**

5.59 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

5.60 Benefits likely to be generated from the proposal are recognised including economic and social benefits including the provision of extra care housing and affordable housing and employment benefits to the local economy from construction and increased local expenditure. Nevertheless, the development comprises major development within the Cotswolds AONB and an exceptional circumstances case has not been made to justify this development which would have a significant adverse impact on the area's natural beauty and landscape including its heritage. The development would be of a disproportionate and inappropriate scale to its context and would not form a logical complement to the existing scale and pattern of development or the character of the area. The proposed development would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The application also fails to provide for adequate affordable housing provision and fails to provide for safe or sufficient pedestrian and cycle access to ensure that opportunities to promote sustainable transport modes can be taken up and that priority is given first to pedestrian and cycle movements.

5.61 As such the development conflicts with adopted Local Plan policies and the NPPF and is thus recommended for refusal.

## **6 REASONS FOR REFUSAL**

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent and visible in a number of public views. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. The development would also be of a disproportionate and inappropriate scale to its context and would not form a logical complement to the existing scale and pattern of development or the character of the area. As such, the proposed development would conflict with Policies OS2, OS4, EH1 and BC1 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the NPPF.

2. The site is a substantial agricultural field forming part of an extensive area of countryside around Burford that provides a setting for the town. The site is substantially within the Burford Conservation Area, with only the means of access sitting outside it. A large number of Listed Buildings and undesignated heritage assets are located in the vicinity. The Grade I Listed church of St John, and in particular its spire, is inter-visible with the site from a number of public viewpoints. The proposed

development would significantly encroach into the countryside and would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies OS2, OS4, EH9, EH10, EH11 and EH13 and advice in the NPPF.

3. The application fails to provide for adequate affordable housing provision in conflict with Policy H3 of the West Oxfordshire Local Plan 2031 and advice in the NPPF.

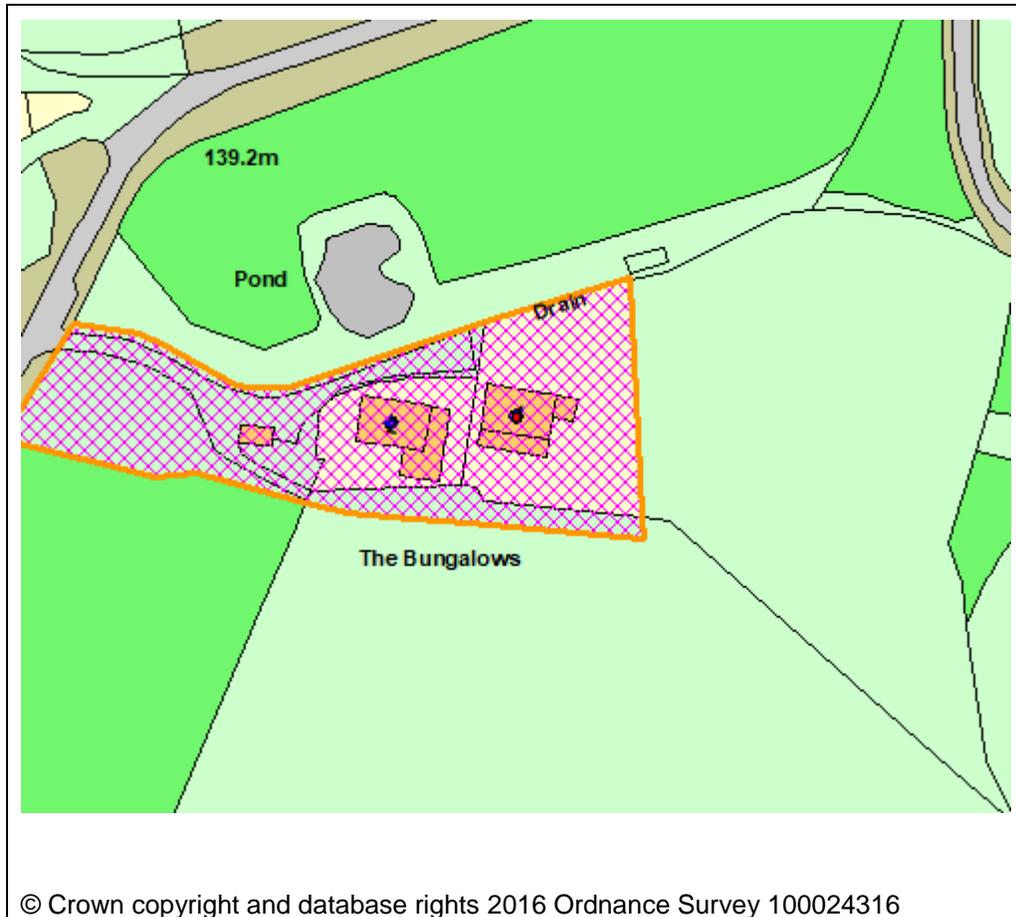
4. Provisions made for pedestrian and cycle access are not considered safe as well as sufficient to ensure that opportunities to promote sustainable transport modes can be taken up and that priority is given first to pedestrian and cycle movements. As such the proposed development conflicts with Policies T1 and T3 of the West Oxfordshire Local Plan 2031 and advice in the NPPF.

5. The applicant has not entered into a legal agreement to provide the required contributions towards the provision of essential supporting infrastructure and required affordable housing and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, T2, T3, EH4 and EH5 and the relevant paragraphs of the NPPF.

**Contact Officer:** Joan Desmond  
**Telephone Number:** 01993 861655  
**Date:** 1st December 2021

Application Number	21/02800/FUL
Site Address	<b>The Bungalow</b> Wilcote Chipping Norton Oxfordshire OX7 3EA
Date	1st December 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	437276 E 215423 N
Committee Date	13th December 2021

**Location Map**



**Application Details:**

Demolition of 2 bungalows and associated buildings and construction of a replacement dwelling. The erection of a detached garage with ancillary accommodation above, the provision of a swimming pool. Associated works and landscaping. (Amended plans and description).

**Applicant Details:**  
Mr And Mrs S Cook  
C/o Agent

## I CONSULTATIONS

Historic England	Thank you for your letter of 11 October 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments.
OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission
WODC Drainage Engineers	No objection subject to condition.
Conservation Officer	<p>I am not sure that the rotated axis will make that much difference to the impact on the wider landscape - it will certainly be something of an intrusion, but so were the previous designs.</p> <p>Otherwise, the usual neo-Georgian forms are proposed, as before, and typical of these new larger country houses. The proportions are reasonable - although the deep plan and the concealed high level flat roofing are regrettable, giving somewhat lumpen forms - although we have already approved this approach for this site.</p> <p>In summary, bearing in mind the previous concessions we seem to have made, there are no great objections from our point of view.</p>
WODC Landscape And Forestry Officer	No Comment Received.
Ecologist	<p>I can confirm that I am satisfied with the amended drawings that have been submitted (as attached), which now adequately transfer the bat mitigation requirements onto the architectural plans.</p> <p>I also confirm that I am satisfied with the great crested newt mitigation proposals under a low impact class licence.</p> <p>As this is a re-submission of a previous consent, I confirm that the 3 derogation tests have already been considered by the LPA and need not necessarily be re-considered again now. I am satisfied that the mitigation measures are appropriate and adequate in this case to ensure that the favourable conservation status of the local bat and great crested newt populations would not be adversely affected. The implementation of the mitigation measures in the ecological</p>

report and as shown in the amended drawings must be secured as a condition of planning consent.

I therefore raise no objection subject to conditions.

Newt Officer

I can confirm that I am satisfied with the amended drawings that have been submitted (as attached), which now adequately transfer the bat mitigation requirements onto the architectural plans.

I also confirm that I am satisfied with the great crested newt mitigation proposals under a low impact class license.

As this is a re-submission of a previous consent, I confirm that the 3 derogation tests have already been considered by the LPA and need not necessarily be re-considered again now. I am satisfied that the mitigation measures are appropriate and adequate in this case to ensure that the favorable conservation status of the local bat and great crested newt populations would not be adversely affected. The implementation of the mitigation measures in the ecological report and as shown in the amended drawings must be secured as a condition of planning consent.

I therefore raise no objection subject to conditions.

Parish Council

North Leigh Parish Council objects to this application because of its impact on the local landscape and is consequently contrary to Policies EH2 and EH13 of the current Local Plan.

Policy EH2 requires that: "Special attention and protection will be given to the landscape ..... of the Wychwood Project Area".

Policy EH13 notes that; "the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment, and external appearance of the development conserves or enhances the special historic character of its surroundings."

There have been many applications for the development of this site since 2016 each of which entailed larger and more extensive buildings and each of which were approved.

This application proposes new building design and a reorientation of the main structure. The proposed house is now 2 metres higher to the ridge (an increase of 25%) and it is realigned to face north.

North Leigh PC objects to this since it would be overbearing in the landscape of the Wychwood Project Area because of its scale and mass and thus contrary to Policies EH2 and EH13 of the Local Plan.

Parish Council

North Leigh PC have previously objected to this application on the grounds that it would be overbearing to the landscape the Wychwood Project Area and the surrounding area and thus contrary to Policies EH2 and EH13 of the Local Plan. Whilst recent revisions to the application i.e. lowering the height of house, goes some way in reducing the scale and massing of the dwelling, The repositioning of the house to face north rather than east remains unchanged and will still dominate the landscape. The PC's objection remains.

The PC is also very concerned that the movement of construction equipment and vehicles delivering building materials on local roads and tracks leading to the site will cause damage to verges, ditches and hedges and will impact on local wildlife. Should approval be granted and without prejudice, North Leigh PC would require a condition limiting the dimensions and weight of such equipment and vehicles and requiring the applicant to repair all damage so caused.

## 2 REPRESENTATIONS

2.1 2.1 23 letters of objection have been received. Comments can be viewed in full on the Council's website but have been summarised below for the purpose of this report:

- Impact of the proposed development on the existing landscape character and the hamlet of Wilcote
- Impact of the proposed dwelling on views from Wilcote Grange
- Overlooking from the propose dwelling resulting in loss of privacy for Wilcote Grange
- Increase in height, scale and massing of the proposed dwelling in comparison to previous approvals
- Re-orientation of the proposed dwelling in comparison to previous approvals
- Siting of the proposed garage
- The proposed dwelling does not accord with the relevant planning policies
- Impact of the proposed development on the Wychwood Project Area
- Impact of the proposed dwelling on the historical setting of the area
- No access to agricultural land
- Impact of the proposed development on covenants at Wilcote Lodge and wood to the north
- Amended scheme whilst reducing the height, shortens the building and removes the pool house and greenhouse, does not address impact on the landscape or neighbours
- Impact of the proposed development on the AONB
- Invitation for a site visit and walk around the garden of Wilcote Grange, and up and down the Ladywell Walk
- Amended plans do not mitigate previous concerns

### **3 APPLICANT'S CASE**

3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.2 This application for house and garage at Wilcote Bungalows has been submitted as an amendment to planning permission 19/00940/FUL. There are also a number of previous planning approvals at this site, which provide context for the most recent extant permission.

3.3 The proposal is a modification to the existing planning permission to allow for a single dwelling to replace the existing bungalows. This revised proposal has been guided by a number of factors. Firstly, the extant planning permission which confirms the Council's agreement for a replacement house of a similar scale and design to that currently proposed. The project architect has used this agreed scheme as a basis for preparing a new design for a replacement dwelling on the site. In doing so he has also been guided by an updated LVIA as well as new landscaping proposals and an updated arboricultural assessment and method statement.

3.4 The siting, overall scale and design philosophy follow the recent approval, with the proposed house remaining on the site of the exiting bungalows and carefully integrated into the landscape through the retention of many of the trees on and around the site and appropriate new planting where necessary.

3.5 It is therefore submitted that the application to which this report relates is for a development scheme which is in compliance with guidance within the NPPF and relevant policies within the adopted local plan.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH11 Listed Buildings

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 The proposal seeks consent for demolition of 2 bungalows and associated buildings and construction of a replacement dwelling, the erection of a detached garage with ancillary accommodation above, the provision of a swimming pool, associated works and landscaping (amended plans and description). The application site relates to two bungalows ('The Retreat' and 'The Bungalow') situated within a wooded area to the east of Wilcote Manor, in the village of Wilcote. The site is not situated within a Conservation Area or the Cotswolds Area of Outstanding Natural Beauty.

5.2 Although the area to the north of the site is screened by existing woodland, the site is more open to the south and south east. The area to the south east of the site consists of open countryside and the site occupies a somewhat elevated position in relation to the adjoining landscape.

5.3 Relevant planning history includes 15/04521/OUT for the demolition of 2 bungalows and construction of a single new replacement dwelling. Three subsequent applications including 18/01592/FUL, 18/03113/FUL and 19/00940/FUL were also approved.

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
- Scale and Design
- Siting and Visual Amenity
- Residential Amenity
- Biodiversity
- Highways

### **Principle**

5.5 The principle of replacing the two existing dwellings on this site with a single dwelling has been established under the previous extant permissions.

### **Scale and Design**

5.6 The existing dwellings sit within a sizable area with amenity space to the front and rear and vehicular access from Wilcote/Ramsden Road.

5.7 Officers had concerns with the scale and massing of the original scheme, which included a pool house, greenhouse, detached garage and proposed a dwelling with a higher ridge height and a greater combined floor space (including outbuildings) than the most recent extant scheme (19/00940/FUL). However, the applicant has submitted amended plans illustrating a reduction in the ridge height and width of the proposed dwelling, and the omission of the proposed pool house and greenhouse. As such, your officers consider the scale and massing of the proposed dwelling and garage in these amended plans to be comparable to the most recent extant permission.

5.8 In terms of design, the Council's Design Architect was consulted as part of the planning process and raised no objection to the proposed form. It is noted that the proposed neo-Georgian design is typical of detached country houses within the District, and whilst the dwelling proposes a deep plan, this is consistent with the previous extant dwelling.

### **Siting and Visual Amenity**

5.9 The proposed dwelling has been re-orientated from the previous extant dwelling, which faced east to west, whereby the current proposed dwelling faces north to south. The proposed detached garage has also been moved closer to the vehicular access. Given that the proposed dwelling is comparable in scale and massing to the dwelling in the most recent extant permission, your officers do not consider that the re-orientation will have a significant adverse impact on public views or the wider landscape. Whilst the proposed dwelling may be more visible than the previous extant dwelling from views to the

south, it will be less visible from views to the south east and east. It should also be noted that the application site is not within a Conservation Area nor within the Cotswolds AONB.

### **Residential Amenity**

5.10 The application site is set away from surrounding buildings, with the separation distance from the proposed dwelling to the two nearest dwellings at Wilcote Grange and Wilcote Manor approximately 160m and 80m. Your officers consider these distances more than sufficient to ensure that the proposed dwelling would not have a detrimental impact on overbearing, loss of light, overlooking or loss of privacy to these neighbours.

5.11 In terms of amenity space, given the size of the application site, the proposed plot is considered to offer sufficient private outdoor garden space for potential occupiers.

### **Biodiversity**

5.12 The Council's Ecologist has raised no objections to the additional information received subject to condition and an informative which will ensure that the species and habitats are protected, and that a number of biodiversity enhancements on the site are secured. The proposed conditions include the submission of a comprehensive landscaping scheme which will ensure the effective delivery of improved landscaping on the site and to secure enhancements for biodiversity. Your officers consider this to be a positive benefit, in accordance with Policy EH3, and therefore acceptable in these terms.

### **Highways**

5.13 Oxfordshire County Council Highways were consulted as part of the planning process and raised no objections to the proposal in terms of highway safety and convenience for the adjacent highway network subject to conditions.

### **Conclusion**

5.14 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4 H2, H6, EH2, EH3, EH9, EH11, and T4 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS**

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

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

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

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

3. Before above ground building work commences, a schedule of materials to be used in the elevations and roof of the replacement dwelling and garage hereby approved shall be submitted to and approved in

writing by the Local Planning Authority. Where requested, samples of the proposed materials shall be made available. The development shall thereafter be constructed in accordance with the approved materials.

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

4. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

5. No development shall commence above ground until such time as the two existing dwellings on the site ('The Retreat' and 'The Bungalow') have been demolished, and the resultant materials removed from site.

REASON: To safeguard the character and appearance of the area and to avoid overdevelopment of the site.

6. The proposed detached garage room hereby permitted shall be used as ancillary to the existing dwelling on site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would not provide sufficient private amenity areas for the existing and proposed occupiers.

7. Before first occupation of the building/extension hereby permitted the window in the ground floor WC and first floor en suites; shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy.

8. The development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application:

- Section 7 and Figures 5 and 6 in Section 8 of the 2021 Updated Ecological Survey Report dated 19/11/21 prepared by 4 Acre Ecology Limited; and
- Drawing numbers 2105/PL5B, 2105/PL6B, 2105/PL7B, 2105/PL8B, 2105/PL9B and 2105/PL14.

All the bat and great crested newt mitigation and enhancement measures shall be implemented in full according to the specified timescales and drawings, as modified by a relevant Protected Species Licence from Natural England, unless otherwise agreed in writing by the local planning authority, and shall thereafter be permanently retained and maintained.

REASON: To ensure that bats and great crested newts are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the use of native plant species and enhancements as referenced in Section 7 of the '2021 Updated Ecological Survey Report' dated 19/11/21 prepared by 4 Acre Ecology Ltd. The scheme shall be implemented within the first planting season from the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area and to enhance the site for biodiversity, including a pond for great crested newts, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the Adopted Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

10. No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance the details contained within the AMS dated 11th August 2021. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

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

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

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

#### INFORMATIVES :-

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))

Code for sustainable homes - A step-change in sustainable home building practice

Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)

The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

CIRIA C753 SuDS Manual 2015

The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

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

A derogation licence from Natural England is required before any works affecting the areas used by roosting bats are carried out.

Works must be carried out in strict accordance with the great crested newt low impact class licence, which is already in place for this development.

If commencement of the development hereby permitted is delayed, or following the commencement of the development, building works are suspended for a period of more than 12 months or extend beyond a period of 3 years from the date of this permission, the applicant is advised to consider the need for updated bat surveys and whether alterations to their European Protected Species Licence will be required (this is likely to require input from a licensed ecologist and/or Natural England as the licensing authority).

In relation to the District Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted (if not already) to the Thames Valley Environmental Record Centre (TVERC).

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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

## Notes to applicant

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
2. Please note that planning permission does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), including bats and great crested newts, or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and the Protection of Badgers Act 1992.

A derogation licence from Natural England is required before any works affecting the areas used by roosting bats are carried out.

Works must be carried out in strict accordance with the great crested newt low impact class licence, which is already in place for this development.

If commencement of the development hereby permitted is delayed, or following the commencement of the development, building works are suspended for a period of more than 12 months or extend beyond a period of 3 years from the date of this permission, the applicant is advised to consider the need for updated bat surveys and whether alterations to their European Protected Species Licence will be required (this is likely to require input from a licensed ecologist and/or Natural England as the licensing authority).

In relation to the District Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted (if not already) to the Thames Valley Environmental Record Centre (TVERC).

- 3 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
  - Wall, ceiling, roof, and floor insulation, and ventilation

- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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

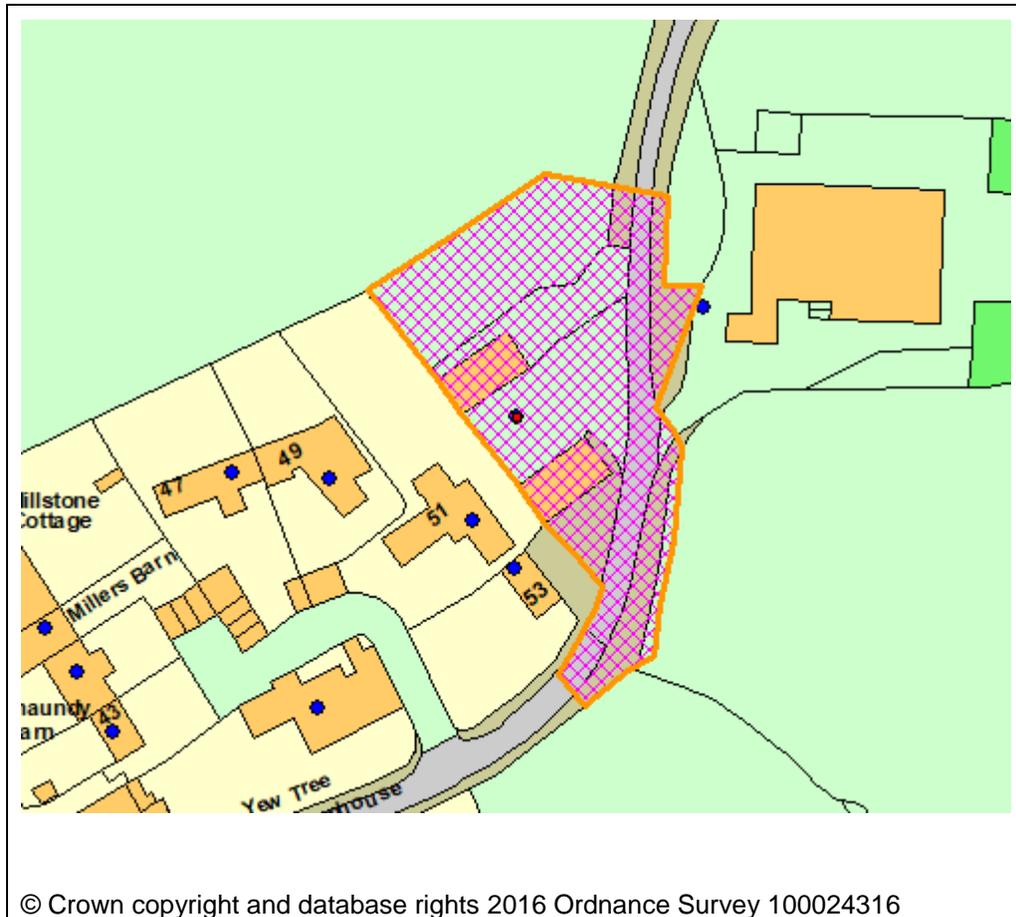
**Contact Officer:** Stuart McIver

**Telephone Number:** 01993 861663

**Date:** 1st December 2021

Application Number	21/02804/RES
Site Address	<b>Land North East Of 51</b> High Street Ascott Under Wychwood Oxfordshire
Date	1st December 2021
Officer	James Nelson
Officer Recommendations	Approve
Parish	Ascott Under Wychwood Parish Council
Grid Reference	430680 E 218918 N
Committee Date	13th December 2021

**Location Map**



**Application Details:**

Reserved matters application for the erection of two detached dwellings with associated works including detached garaging and vehicular and pedestrian accesses to both properties.

**Applicant Details:**

Bloombridge LLP  
4th Floor  
Venture House  
27-29 Glasshouse Street  
London  
W1B 5DF

## I CONSULTATIONS

### OCC Highways

The site has been used for the turning of vehicles, including the refuse and other commercial vehicles, at the end of a narrow road lacking other turning facilities. However, the land is in private ownership and whilst I would prefer a turning facility to remain I cannot insist or recommend the application for refusal.

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

- G28 parking as plan
- G25 drive etc specification

### Ecologist

No objection subject to conditions- see website for full comments

### WODC Landscape And Forestry Officer

No Comment Received.

### Parish Council

#### **Initial Response**

Objection on the grounds of scale, design, deviation from outline approval and access/turning.

The full document may be viewed on the Council's website.

#### **Response to Amended Plans**

We welcome those changes that have been made, in terms of the removal of the dormer windows and the rendering.

However, our primary concern regarding the extent to which the new layout deviates from the original proposal, especially in regard

to the loss of the turning head that was a key element against which the outline permission was granted, still remains.

## **2 REPRESENTATIONS**

2.1 The Local Planning Authority have received 29 representations in opposition to the scheme and one general comment. The objections cover the following matters:

Scale/Character- Many comments state that the proposed designs are not in keeping with the agricultural, edge of village character of the site and appear overly large/formal in their design. The scheme has since been reduced in height as detailed in Section 5.

Turning- The application does not provide adequate space for service vehicles to effectively and safely access the site.

Drainage- Concerns are raised that the drainage condition imposed to the outline consent has not yet been discharged and that the site may be liable to flood as well as increase pressure on water providers.

Materials- The use of render on Unit 2 was widely mentioned. The application has since been amended to use natural stone on both properties.

Neighbourly Amenity- Two comments raise the issue of neighbourly amenity in terms of overlooking gardens of existing dwellings and light/noise disturbance.

Precedent- Approval may set a precedent for further development in the locality.

Housing Mix- The scheme does not provide much needed smaller/more affordable units.

## **3 APPLICANT'S CASE**

3.1 The applicant has furnished the application with a covering letter expressing the design rationale. The main points are summarised below.

3.2 The details submitted comprise two 4-bedroom family homes, with modern living spaces (including a study), that engage with the existing context and historic character of the village. Each dwelling has a two-bay garage, one side enclosed and the other an open carport, electric car charging points, and a suitable area for an air source heat pump for energy efficiency.

3.3 The proposal draws upon classical and vernacular features from the village though the layout is to modern living standards. New planting will transform the landscape into a visually attractive streetscape.

3.4 The proposal maintains the character of the established streetscape and provides planting areas to create an inviting combination of colour, foliage, and textures that compliment the traditional material palette.

3.5 These two plots make efficient use of the space available while still remaining consistent with the size of plots found in the village.

3.6 We are therefore clear that this reserved matters submission fully addresses national planning guidance.

3.7 This proposal has engaged closely with the history and character of Ascott-under-Wychwood, and endeavours to continue its architectural legacy with these new homes, while still offering some modern innovations, including energy efficiency.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

NPPF 2021

DESGUI West Oxfordshire Design Guide

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 two detached dwellings with associated works including detached garaging and vehicular and pedestrian accesses at Land North East of 51, High Street, Ascott-under-Wychwood. The site falls within the Cotswold AONB.

5.2 The application comprises of the reserved matters (Scale, Layout, Appearance and Landscaping) of outline application 20/01592/OUT. Therefore, the principle of development and access arrangements are established and therefore not the subject of this application. The proposed plans have been amended to reduce the height and massing of the two dwellings.

5.3 The application site comprises a parcel of land at the eastern end of High Street. The existing site consists of two dilapidated Dutch barns with associated hardstanding/storage. There is a 2m high closed boarded fence along the boundary with the adjoining residential property, and the other site boundaries are either hedgerow or agricultural fencing. The barns are currently used for agricultural storage.

5.4 The two proposed dwellings are set facing Mill Lane from which they will be accessed. The dwellings will be sited forward in their irregular plots thereby creating large private gardens to the rear. Both plots will be two storeys in height with dual-pitched of approximately 45 degrees and reaching 9.4m (Plot 1) and 9.7m (Plot 2) respectively. Each house will be served by detached a double garage and large parking/turning areas. In terms of design, both dwellings take a simple linear plan form with single storey additions to the rear. Plot 1 takes a modest, vernacular form whilst Plot 2 a more formal Georgian approach. Each will be constructed of natural Cotswold stone under stone slate roofs with timber windows.

5.5 The application is before Members of the Uplands Planning Sub-committee for consideration as your officers recommendation is contrary to the Parish Council's response in accordance with the scheme of delegation.

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

- Visual Impact
- Residential Amenity
- Highways Safety
- Ecology Matters

## **Visual Impact**

5.7 In terms of visual impact, Local Plan Policy OS2 states that new development should be of a proportionate and appropriate scale to its context whilst conserving and enhancing the natural, historic and built environment in which it sits. Policy OS4 outlines that development should respect the architectural character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.

5.8 With regard to design, your officers consider that the proposed dwellings and garage buildings have adequately taken on board the advice of the West Oxfordshire Design Guide in terms of form, materials and detailing. Unit 1 exhibits a vernacular character that is considered in keeping with existing dwellings in the village and wider AONB. The more formal character of Unit 2 also has precedence in historic houses of higher status in the village as demonstrated in the applicant's submission. Therefore, the proposed designs are considered acceptable.

5.9 In terms of scale, the proposed massing of the units is considered, on balance, to be acceptable. The applicant has submitted revised plans bringing down the proposed ridge and eaves heights by 0.4-0.9m. Dormer windows have also been removed from the plans. This reduction alongside the fairly steep 45-degree pitched roofs ensures that despite the substantial heights, the proposed massing of the dwellings would not appear excessive in this context. Given the sensitive, edge of village location of the site, your officers consider that reducing the proposed massing further would lead to an enhanced scheme. However, for the reasons as outlined above, the current proposed scheme is on balance acceptable and is therefore recommended to Members for approval.

5.10 The proposed layout is considered appropriate for the irregular shaped parcel of land. Both dwellings are set back approximately 5m from Mill Lane in similarly sized plots, providing consistency across the scheme. Dwellings sited forward in relatively large plots are common along the High Street and therefore this approach is considered in keeping with the pattern of development in the locality. The proposed layout arrangement is therefore considered acceptable.

5.11 The existing site has a distinctly agricultural character with a Public Right of Way (PRoW) passing north to south through the site along Mill Lane. The site is not considered to provide a significant positive contribution to the setting of the village when viewed from the north/east due to its run down character and large expanse of hardstanding. Therefore, given that your officers consider that the proposed scheme is acceptable in terms of design, scale and layout, the redevelopment of the site is considered, on balance, to result in a positive contribution to the setting of the village and wider landscape and scenic beauty of the Cotswolds AONB.

## **Residential Amenity**

5.12 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.

5.13 By virtue of the proposed siting of the two dwellings in relation to each other and properties to the west, your officers consider that no significant impact will result upon neighbouring occupiers by way of overlooking, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity.

### **Highways Safety**

5.14 The proposed access to the public highway network has been established under the outline application. With regard to the proposed parking and turning areas, the Local Highways Authority have been consulted on the application and concluded that the proposed site would be served by safe and adequate access and parking facilities and is therefore considered acceptable by officers on these grounds.

### **Ecology Matters**

5.15 The application has been reviewed in consultation with the council's ecologists. The proposed landscaping scheme is considered acceptable in principle but officers recommend that conditions suggested in Section 6 of the report are imposed in order to secure the necessary biological enhancements to ensure the scheme is compliant with Local Plan Policy EH3. On this basis, officers consider that the application is acceptable on ecology grounds.

### **Conclusion**

5.16 In light of the above assessment, the proposed development is considered by your officers to accord with West Oxfordshire Local Plan 2031 Policies OS2, OS4, H2, H4, T1, T3, T4, EH1, EH2 and EH3, the NPPF 2021, the West Oxfordshire Design Guide 2016 and is therefore recommended for approval.

## **6 CONDITIONS**

1. The development shall be commenced within either five years from the date of the outline permission granted under reference 20/01592/OUT, or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 28.10.2021 and 15.11.2021.

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

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

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

4. The development shall be completed in accordance with the recommendations and measures in the following documents and plans, as submitted with the planning application:

- Section 5 of the Ecological Assessment, dated June 2020 prepared by Ecology Solutions;
- The details within the Briefing Note, dated July 2021 prepared by Ecology Solutions;
- The landscaping measures and external lighting details within the Location and Landscaping Plan, dated
- 15th November 2021, drawing no.01. E ; and
- The bird and bat box details shown within drawing no. 12 and 13, dated 19th October 2021;

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 2 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

5. Notwithstanding the landscaping details that have already been submitted within drawing no. 01. E (dated 15th November 2021), a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, before the occupation of the development hereby approved. The landscaping scheme shall include, but not be limited to, the following information:

- The creation of hedgerows using native, locally characteristic species;
- The planting of trees, using native, locally characteristic species;
- The creation of a wildflower grassland along the road verge;
- The creation of flowering lawns within the rear gardens of the dwellings;
- The locations and dimensions of hedgehog gaps to be provided within any new fences/walls; and
- A 5-year maintenance plan as well as a Grassland Verge Management Plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The Grassland Verge Management Plan shall include details of the appropriate management actions, how management will be rolled forward over a 5 or 10 year period, details of the organisation responsible, the monitoring and remedial measures and how actions will be communicated to the occupiers of the development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

6. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be

planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

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

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

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

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

#### INFORMATIVES :-

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

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

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

works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

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

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Wall, roof and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy efficient appliances and water recycling measures
- Sustainably and locally sourced materials

For further guidance please visit:

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

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

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

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

### **Notes to applicant**

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

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

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

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

2. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Wall, roof and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy efficient appliances and water recycling measures
  - Sustainably and locally sourced materials

For further guidance please visit:

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

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

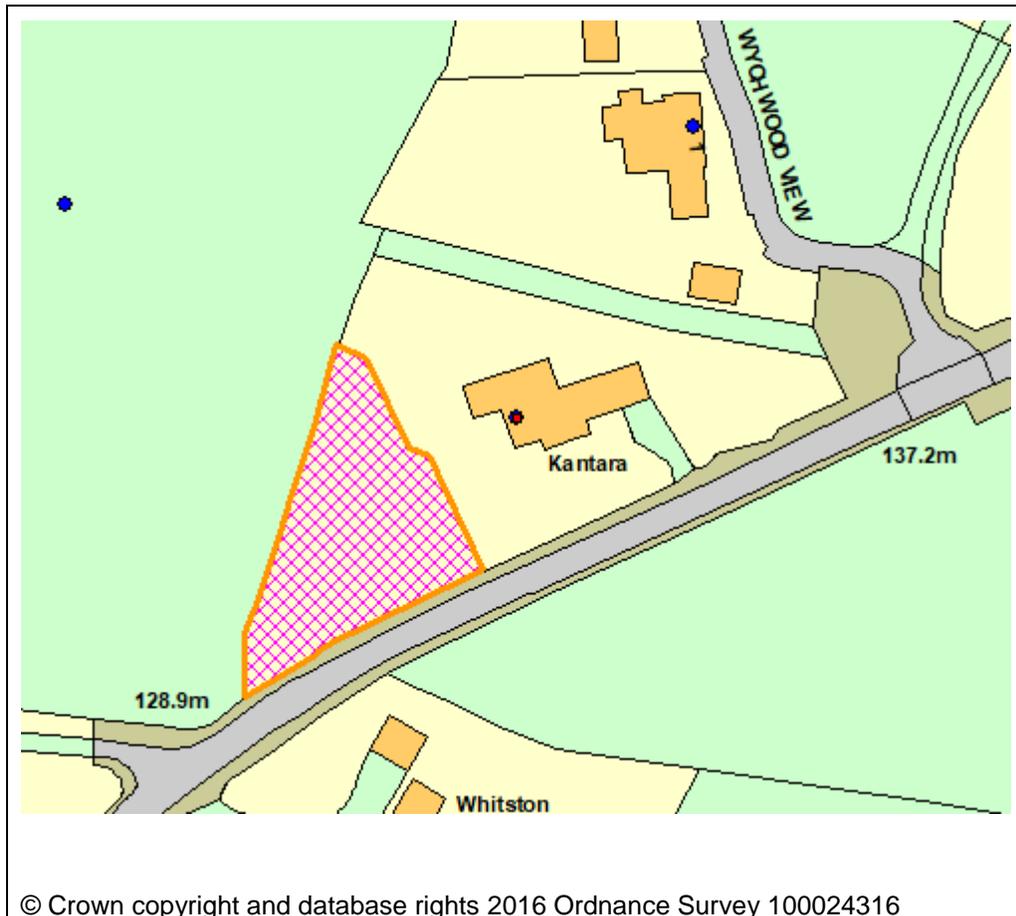
3. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish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

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

**Contact Officer:** James Nelson  
**Telephone Number:** 01993 861712  
**Date:** 1st December 2021

Application Number	21/03048/FUL
Site Address	<b>Kantara</b> Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Date	1st December 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436514 E 218935 N
Committee Date	13th December 2021

### Location Map



### Application Details:

Erection of a new dwelling and associated works

### Applicant Details:

Mr And Mrs Lynch  
Kantara  
Woodstock Road  
Charlbury  
Chipping Norton  
Oxfordshire  
OX7 3ET

## I CONSULTATIONS

Thames Water	No Comment Received.
WODC Drainage Engineers	No Comment Received.
Conservation Officer	<p>This latest iteration is pretty successful - it would follow the gradient, and be set somewhat lower than the existing building. It would also be of fairly contemporary form, clean and tidy, but yet with reassuring traditional massing, and with some stone walling.</p> <p>There are no great objections from our point of view.</p>
OCC Highways	<p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:</p> <ul style="list-style-type: none"><li>• G28 parking as plan</li><li>• The provision of cycle parking in accordance with a scheme to be submitted and approved</li><li>• G11 access specification</li><li>• G25 drive etc specification</li><li>• G35 SUDS sustainable surface water drainage details</li><li>• G32 turning facility</li></ul>
Ecologist	No objection subject to conditions.
Parish Council	Charlbury Town Council - In accordance with Policy ECT9 of the Charlbury Neighbourhood Plan we are unable to support this application as the development cannot provide safe pedestrian access. We therefore object.

OCC Highways

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the detail as submitted

#### INFORMATIVE

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

## 2 REPRESENTATIONS

2.1 One general comment received from the Charlbury Conservation Area Advisory Committee. Comments are as follows:

Members did not oppose the building of a new house on the proposed site but considered aspects of the design and materials to be fussy and unsympathetic to the character and appearance of this part of the conservation area. A simplified treatment of the main block, omitting the timber cladding and using only natural stone with a tiled roof in place of the proposed zinc covering would integrate the new house better with the main part of Kantara itself and other buildings in the vicinity. This would accord with the guidance in paragraph C 2.3 of the Charlbury Design Guidance in Appendix C of the Charlbury Neighbourhood Plan. The second, sixth and ninth bullets are particularly relevant.

The site proposed for the new house was currently well-screened from the road by trees and it was important that this planting was maintained and reinforced should permission for the new house be granted.

## 3 APPLICANT'S CASE

3.1 A design and access statement has been submitted. A full version of this is available on the Council's website. The statement has been summarised and concluded as follows:

3.2 This proposal was developed in detail following a pre-application submission in early 2021 and following this has been updated to meet the advice given.

3.3 In the nearby surrounding area, there have been permissions granted for a range of either single or group residential developments including:

- 16/01866/FUL - Thorneycroft (new dwelling)
- 16/03314/HHD - Lamorna (replacement dwelling)
- 17/03423/FUL - The Grange (erection of dwellings and driveway access)

3.4 We believe that this proposal would not be out of step with the series of approvals granted on nearby or neighbouring sites and has been amended in line with the previous positive pre application advice.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH10 Conservation Areas

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The proposal seeks consent for erection of a new dwelling and associated works.

5.2 The application relates to Kantara, a detached dwelling located within the built up area but on the outskirts of Charlbury. The dwelling is set back from the road and situated within a substantial plot. The application site is within the Charlbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

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
- Siting, Scale and Design
- Visual Amenity
- Residential Amenity
- Biodiversity
- Highways

##### **Principle**

5.4 Charlbury is classed as a rural service centre under the settlement hierarchy identified in Policy OS2 of the adopted West Oxfordshire Local Plan 2031 (WOLP). Policy H2 states that new dwellings will be permitted on undeveloped land within the built up area of rural service centres provided that the proposal is in accordance with the other policies in the plan and the general principles set out in Policy OS2. As such, your officers consider that the principle of a new dwelling at this location is acceptable subject to consideration of the matters below.

##### **Siting, Scale and Design**

5.5 Kantara sits slightly to the east of a substantial plot with amenity space to the front and rear and vehicular access from Woodstock Road.

5.6 The proposed dwelling is to be sited to the west of Kantara, approximately in line with its existing built form. Amenity space is located to the front and rear.

5.7 With regard to scale and massing, the proposed dwelling has a smaller footprint than Kantara. Although, the ridge height of the main block is considered comparable, the resulting volume of the proposed dwelling can be read as less than that of Kantara. As such, your officers consider that the dwelling can be accommodated without resulting in an overdevelopment of the application site.

5.8 In terms of design, the proposed dual-pitched roofs and clean lines result in a contemporary form, which your officers consider to offer an acceptable point of difference to the more prominent Kantara.

### **Visual Amenity**

5.9 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.

5.10 The proposed dwelling is set back within the application site and would be screened by the existing boundary vegetation including mature trees. Therefore, and given the proposed design, your officers consider that it would not have a significantly detrimental impact on the street scene or wider public views. The Council's Conservation Officer was consulted as part of the planning process and raised no objection to the proposal. As such, the proposed dwelling is not considered to have a detrimental impact to the character and appearance of the Conservation Area, and the character of the Conservation Area is preserved.

5.11 Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving landscape beauty in Areas of Outstanding Natural Beauty. Your officers consider that in this instance, given the residential nature of the site, and the siting, scale and design of the dwelling, which would retain the character and appearance of the site, the development will not be visible beyond its immediate setting and will therefore conserve the wider landscape and scenic beauty of the Cotswolds AONB.

### **Residential Amenity**

5.12 Whilst, the proposed dwelling is within relative proximity to Kantara, the separation distance is considered sufficient to ensure that there will not be a significantly detrimental impact on overbearing or loss of light. There are no first floor windows within the side elevation of the proposed dwelling facing Kantara, as such your officers consider that the dwelling would not have a detrimental impact on overlooking or loss of privacy.

5.13 In terms of amenity space, given the size of the application site, the proposed plot is considered to offer sufficient private outdoor garden space for potential occupiers.

### **Biodiversity**

5.14 The Council's Ecologist has raised no objections to the proposal subject to a number of conditions and an informative which will ensure that the species and habitats are protected, and that a number of biodiversity enhancements on the site are secured. The proposed conditions include the submission of a comprehensive landscaping scheme which will ensure the effective delivery of improved landscaping on the site and to secure enhancements for biodiversity. Your officers consider this to be a positive benefit, in accordance with Policy EH3, and therefore acceptable in these terms.

## **Highways**

5.15 The proposed dwelling is to use an existing vehicular access from Woodstock Road. The applicant has submitted additional information including details of the access, surfacing, specification, parking and turning facility. Oxfordshire County Council Highways were re-consulted as a result of receiving this additional information and raised no objections to the proposal in terms of highway safety and convenience for the adjacent highway network.

## **Conclusion**

5.16 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4 H2, EH1, EH3, EH10, and T4 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS**

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

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

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

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

3. Before above ground building work commences, a schedule of materials to be used in the elevations and roof of the replacement dwelling and garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Where requested, samples of the proposed materials shall be made available. The development shall thereafter be constructed in accordance with the approved materials.

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

4. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before

works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

5. The development shall be completed in accordance with the recommendations in Section 10 of the Preliminary Ecological Appraisal, dated 12th April 2021 prepared by Lockhart Garratt, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales], unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that bats, birds, amphibians, reptiles, badgers and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

REASON: To provide additional roosting for bats and nesting birds and to ensure continued dispersal of hedgehogs as biodiversity enhancement in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006

7. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and

screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

REASON: To enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

10. Before first occupation of the building/extension hereby permitted the window(s) in the ground floor WC and the first floor en suites shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

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

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

#### INFORMATIVES :-

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

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

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife

and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

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

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

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

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

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

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

## Notes to applicant

1. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council
2. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

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

For further guidance, please visit:

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

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- 4 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

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- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

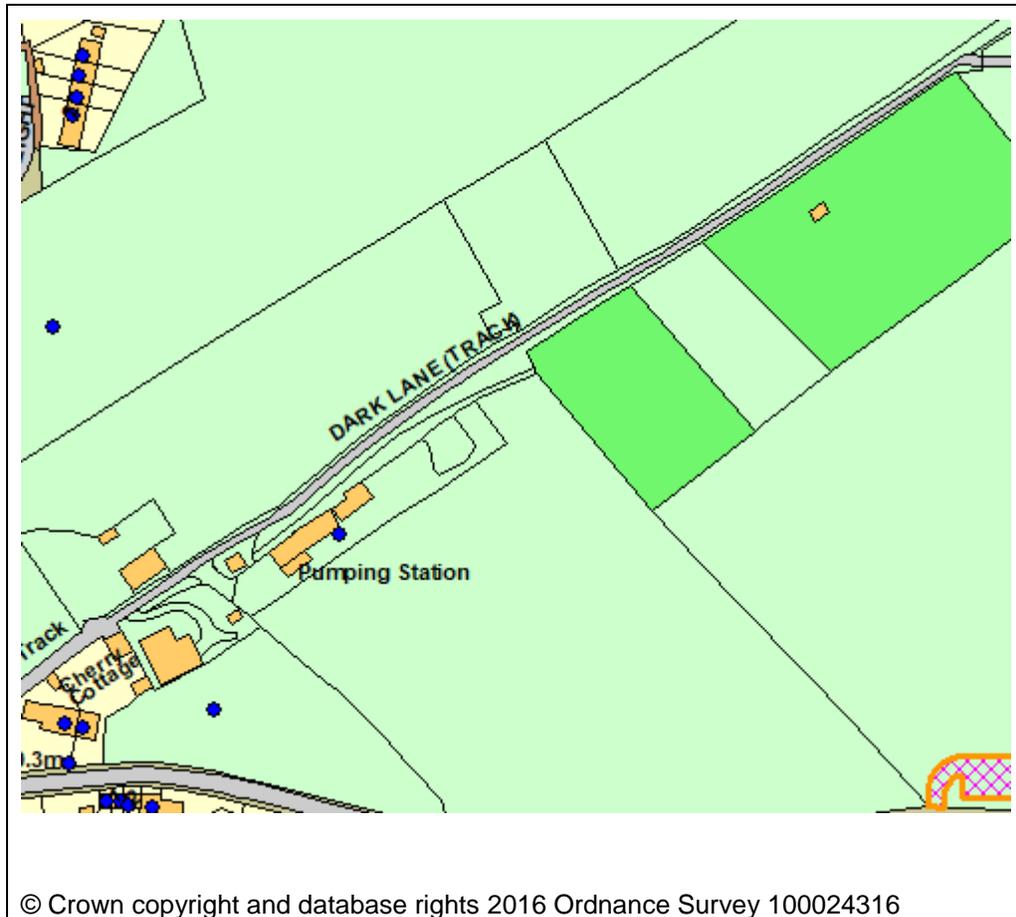
**Contact Officer:** Stuart McIver

**Telephone Number:** 01993 861663

**Date:** 1st December 2021

Application Number	21/03322/FUL
Site Address	Land North Of Wilcote Riding Finstock Oxfordshire
Date	1st December 2021
Officer	Kim Smith
Officer Recommendations	Provisional Approval
Parish	Finstock Parish Council
Grid Reference	436590 E 216279 N
Committee Date	13th December 2021

### Location Map



### Application Details:

Demolition of existing buildings and erection of two replacement buildings for use as hay storage and implement store.

**Applicant Details:**

Mrs Nicola Gomm  
35 High Street  
Ascott Under Wychwood  
Chipping Norton  
Oxfordshire  
OX7 6AW

**I CONSULTATIONS**

Parish Council

Finstock Parish Council wish to record it's objection to this Planning Application on the grounds that the proposal is insufficiently different from a previously submitted Application 21/01149/FUL which was refused; in this case also -

The proposed development is totally out of keeping with the open area of Wilcote Riding.

It is not clear from the plans that the new barn and stables will have a reduced area to that of the proposed development to which we have already objected.

The site is part of the Cotswold Area of Outstanding Natural Beauty and is therefore subject to the provision of Policy EHI of the WODC Local Plan. These state inter alia "in determining proposals within the Cotswold AONB and proposal that could affect its setting, great weight will be given to conserving the areas of natural beauty, landscape and countryside including its wildlife". The proposal to construct a new large steel clad building and four bay stables clearly contravenes the Local Plan Policy EHI.

The site is situated in the Finstock Conservation Area and the proposals may not abide by the principles of Conservation - it is not clear that they will not have an overbearing domination in a high profile position at the top of the beautiful, scenic Evenlode Valley.

It is also not clear that the barn and stables are indeed a simple replacement of existing buildings.

We remain concerned that access from Wilcote Riding is very poor as the road is extremely narrow, Veterinary vehicles, farriers, saddlers, horse trailers and transport lorries and horse boxes would need to access and egress the site. A serious traffic hazard would be created and there are no adequate visibility splays to increase vision for vehicles leaving the site.

The proposed building appears to be linked to a proposed development off Dark Lane (to which the PC did not object) by a road which we suspect may not have planning

approval. The PC fears that the site could be intended to be used as the eventual base for a commercial enterprise i.e. livery stables or a small training establishment/riding lessons.

Any associated (large) muck heap and washdown area with hose facilities would create drainage issues caused by run-off of effluent to lower lying village dwellings and roads.

Granting of consent for this high profile development would create an unacceptable precedent for development of other adjacent village periphery sites.

Wildlife Trust	No Comment Received.
OCC Highways	No reply at the time of writing
Conservation Officer	No reply at the time of writing.
Ecologist	No reply at the time of writing

## 2 REPRESENTATIONS

2.1 Mr Gareth Benfield of Fieldmans farm Ditchley Road, Charlbury has commented as follows:

2.2 I pass these barns regularly and had thought for a few years they are looking passed their best and in need of updating. The proposed footprint seems sensible to what's there and a wood clad wouldn't look out of place as hedge covers most of it.

2.3 I see the Parish Council are not keen on the idea but they have been there for number of years no problems with access and there's seems no change of use in proposal, it also seems the last application was withdrawn not refused ??

2.4 I think any new revamp would benefit the area view to the valley rather than what is currently there as new barns have been put up in Neighbouring land of the Conrbury estate.

2.5 Simon Jones has commented as follows:

The 2 existing buildings are ageing rusting corrugated mono-pitch pole barn constructions, of unequal size and heights, and were erected historically to house farm machinery and as hay storage. Whilst tired, they are familiar and they sit very low to the hedge line, with the higher eaves away to the field. The highest of the existing 2 structures is no more than 3 meters to the field side and the gutter line is masked completely on the lower building and very nearly completely on the larger by the existing hedge.

The current application is for 2 buildings in different positions closer to the recently replaced gate, more prominent from the road as the existing hedge is not as thick or as high. The height of the proposed unequal height buildings, appears to be greater than the existing.

Existing drawings and proposed with scale bars would be a useful tool for comparison.

A cynical view would be that a change in position of the new buildings rather than on the footprint of the existing is that the applicant has no intention of the removal of the existing structures.

In the previous application APPLICATION NO: 21/01149/FUL(withdrawn), Esther Frizell-Armitage, Assistant Biodiversity Officer, was consulted regarding an Ecological Assessment, and in an e-mail of 25 June 2021, made valuable and accurate comments regarding the value of the land and buildings, the upshot of which she requested a PEA (Preliminary Ecological Appraisal) this appears to have been carried out. I should note in addition to the information in the Ecology report that is site specific, that there are at least 2 badgers sets within half a kilometre of the site. I rent adjacent land North East of the site, (accessed off Dark Lane) from the 'Cornbury Park Estate' for the rearing of rare breed sheep, the land includes many rare plants (orchids) and insects and is used by badgers in 2 sets all year round. Commentary within the PEA regarding bats and value of scrub/grass are, I think, disingenuous, I regularly encounter bats, hedgehogs, slowworms and occasionally lizards within my holding. They are spread out well within the locality. The numerous raptors, including peregrine falcons, barn owls, red kites and hawks also hint at a rich and diverse habitat.

The application also coincides with slightly earlier application within the same holding for stables and hay storage, the consultation period for this I believe ended on the 18th. These are facilities that were removed by the applicants husband recently to construct a large barn on site. In what is still an agricultural area, the buildings are not agricultural in use, but equestrian and or for 'hobbies' and storage. It would appear that the incremental development by Mr and Mrs Gomm might have some other intended goal, and on this basis I refer you to the Cotswold Conservation Boards' response to APPLICATION NO: 21/01149/FUL(withdrawn) which I believe is also applicable to the current application, and their letter of the 27th may 2021 on your files. You should refer to the provided links generally and also for the Cotswolds AONB Landscape Strategy and Guidelines ,lct-16-broad-floodplain-valley-june-2016.

### **3 APPLICANT'S CASE**

3.1 The replacement hay barn and implement store have mono roof pitches to reflect the existing buildings. They have been pulled off the hedge line to allow maintenance of both the buildings and the hedge. Both buildings will be needed to accommodate the hay crop (approx. 1000 small bales) together with the implements needed to manage the land. We have kept the scale to the bare minimum for the storage need and would be flexible on colour.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
EH1 Cotswolds AONB  
EH10 Conservation Areas  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity

E2NEW Supporting the rural economy

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

## **5 PLANNING ASSESSMENT**

5.1 This application seeks planning consent to remove from the land two agricultural buildings clad with rusting corrugated metal presently in a very poor state of repair located on the skyline with two buildings of a similar design and scale. The proposed buildings are of a mono pitched design 9 m square with a maximum height of 5.5m. The walls will be clad in wood, the roof is to be constructed of corrugated fibre cement board (grey) and roller shutter doors are proposed. The existing access off of Wilcote Riding will be used to service the buildings. It is proposed to site the buildings slightly forward of the existing buildings in order to allow maintenance of the hedgerow and the rear elevations.

5.2 A preliminary ecological appraisal has been submitted with the application.

5.3 The site is located within the Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

5.4 For the avoidance of doubt the replacement buildings are for agricultural use and not the stabling or keeping of horses.

5.5 Planning History for the site is as follows:

*20/03291/FUL Erection of replacement barn and stable building comprising of stables wash/grooming room and tack room-Withdrawn*

*21/01149/FUL-Demolition of existing buildings and erection of replacement barn and stable building comprising of stables, wash/grooming room and tack room- Withdrawn*

5.6 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**

5.7 The principle of allowing replacement agricultural buildings where a need can be justified is acceptable in planning policy terms. In this case the present buildings that serve the agricultural land use are in a very poor state of repair and do not provide a watertight or safe environment for storing hay or implements/vehicles to serve the land use. The applicant has advised that the hay store will be used to house up to 1000 bales of hay which will be harvested off of the land.

### **Siting, Design and Form**

5.8 The proposed replacement buildings are of a similar design and scale to those to be removed from the land. Whilst they are to be relocated closer to the existing access and off of the hedgerow boundary which runs along Wilcote Lane, there will not be much of a discernible change in location when viewed from across Dark Lane and beyond. The use of wooden cladding and a cement fibre roof for the agricultural buildings is considered appropriate in a rural context. In this regard the proposal is considered compliant with policy EH2 of the adopted Local Plan

## **Impact on the Character and appearance of the Conservation Area and the Cotswolds AONB**

5.9 Whilst not 'like for like' replacements in terms of location or external materials the replacement buildings on the elevated site will in your Officers opinion enhance the character of this part of the Conservation as they will replace two very visually prominent and delapidated rusting buildings. In this regard the proposal is considered compliant with EH10 of the WOLP.

5.10 Great weight is given in both Local Plan policy EH1 and the NPPF to conserving and enhancing the landscape and scenic beauty of the area. In this instance your Officers consider that the replacement of the highly visible dilapidated units with agricultural buildings of a design, scale and materials appropriate for an agricultural context conserves and enhances the scenic beauty of this part of the AONB.

### **Highways**

5.11 At the time of writing the OCC Highways has not commented on the application. Their comments once received will be reported verbally at the meeting.

### **Ecology**

5.12 At the time of writing your Officers have not received a consultation response from the Council's ecologist. The ecology report submitted with the planning application concludes that ecological matters can be addressed through a series of planning conditions and informatives.

### **Other**

5.13 The Parish Council has raised a number of issues that are not factually correct. These are as follows:

- The PC's consultation response to this application states that the proposal to construct a new large steel clad building and four bay stables clearly contravenes policy EH1. This application is in fact for two wooden clad agricultural buildings.
- The PC states that application 21/01149/FUL was refused. It was in fact withdrawn.

### **Conclusion**

5.14 In light of the above assessment your Officers are recommending approval for the application subject to the Council's Ecologist and OCC Highways raising no objections. If these matters remain outstanding by the date of the Committee Officers are seeking delegated authority to determine the application based upon the outstanding consultation responses.

## **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 development shall be constructed with the materials specified in the application.

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

4. The wooden cladding facing the external walls of the buildings shall be stained/painted in a colour to be first approved in writing by the LPA and retained as such thereafter.

REASON: To ensure that the visual character and appearance of the Conservation Area is enhanced and the natural beauty of the AONB is conserved and enhanced.

5. Prior to first use of the buildings the colour of the roller shutter doors shall be agreed in writing by the LPA and retained as such thereafter.

REASON: To ensure that the visual character and appearance of the Conservation Area is enhanced and the natural beauty of the AONB is conserved and enhanced.

6. Prior to first use of the buildings hereby approved the existing buildings identified on the plan referenced KS/03722 attached to this decision letter shall be dismantled and removed from the site in their entirety.

REASON: To ensure that the visual character and appearance of the Conservation Area is enhanced and the natural beauty of the AONB is conserved and enhanced.

7. The buildings hereby approved shall be used for agricultural storage purposes only.

REASON: Alternative uses in this location would appear visually incongruous given the elevated rural context.

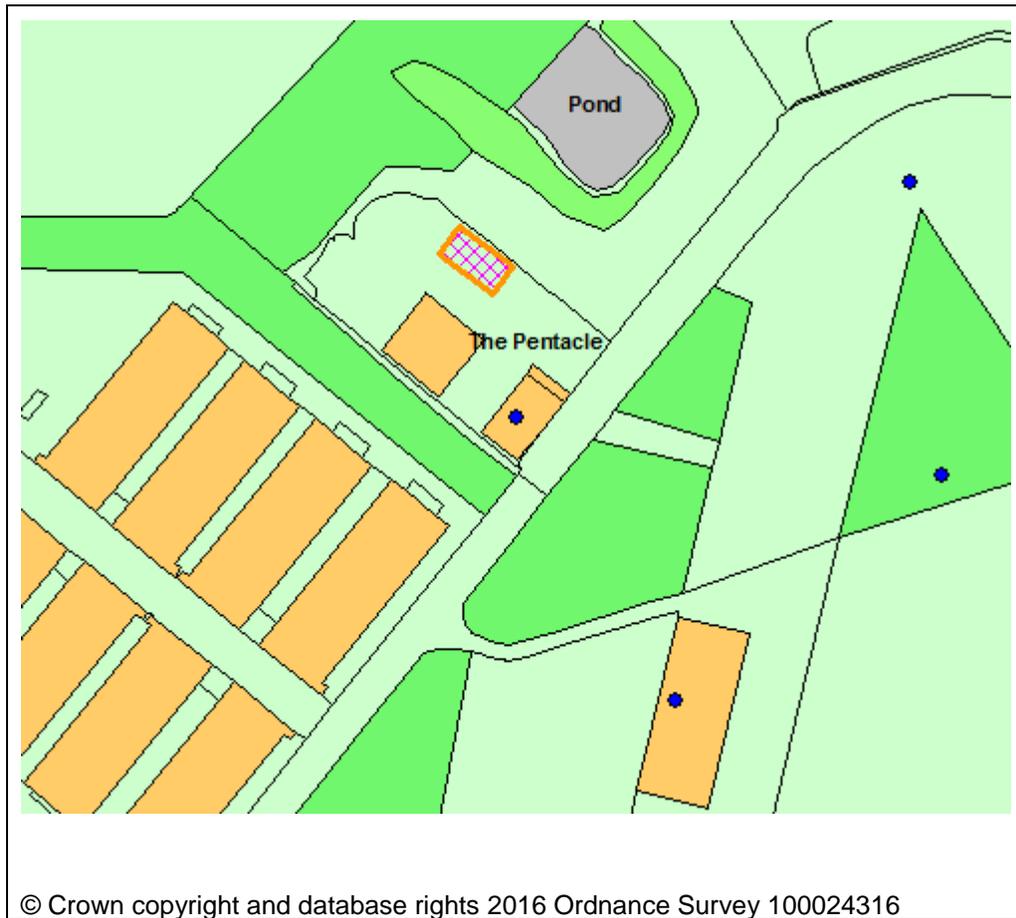
**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 1st December 2021

Application Number	21/03452/FUL
Site Address	<b>The Pentacle</b> Enstone Airfield North Banbury Road Enstone Chipping Norton Oxfordshire OX7 4NS
Date	1st December 2021
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	438739 E 226140 N
Committee Date	13th December 2021

### Location Map



### Application Details:

Erection of a Polytunnel attached to two existing containers.

**Applicant Details:**

Enstone Enterprises  
Enstone Airfield North  
Banbury Road  
Enstone  
Chipping Norton  
Oxfordshire  
OX7 4NS

**I CONSULTATIONS**

Parish Council

Enstone Parish Council has no objection to this planning application.

ERS Env. Consultation Sites

No reply at the time of writing  
Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

Given the nature of the development I have no major concerns, however the site is part of an airfield, therefore please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Regards

Jackie McLaren  
Technical Officer - Contamination

WODC Env Health - Uplands

I have no objection in principle.

**2 REPRESENTATIONS**

2.1 No representations received at the time of writing

### **3 APPLICANT'S CASE**

3.1 The application site is an existing employment generating site. The proposed siting of a polytunnel between existing storage containers will provide additional cover for the occupier of the site, OSC, to provide an improved working environment for those members of staff who are operating on items in the external yard area.

3.2 The siting of the polytunnel is a use of land. In normal circumstances the siting of such a structure would be part and parcel of that use of land and, in the absence of any restrictive condition, would not be development.

3.3 The case law in respect of whether such an item is a building or a use of land is well rehearsed. It identifies that there are three primary factors which are relevant to whether something is a building - these are size, permanence and physical attachment (to the land). The proposed polytunnel is 12 metres by 12 metres in size (similar in scale to a small marquee) and it is attached to storage containers which sit on the land under their own weight. On the basis of these two tests we would suggest it is clearly not a building. Turning to the matter of permanence, the applicants wish to site the polytunnel on the land for a more extended period of time and thus, in the interests of transparency, have requested that the application is submitted.

3.4 During the dryer and warmer months of the year the site occupier is able to carry out work on vehicles within the external yard area comfortably. However for part of the year, when it is colder and wetter, that is less desirable and there is an associated impact on their ability to fulfil orders. They do therefore have the option of erecting and dismantling the proposed polytunnel as and when it is required however that also would have an impact on the polytunnel and its longevity and the effectiveness of the business (in time lost erecting and dismantling). This is a fallback open to the operator in any event.

3.5 Their clear preference is to erect the polytunnel once and leave it in place year round to provide an improved working environment. It would be seen in the context of the existing activities on site and existing buildings and would be well screened. It is modestly sized at 12 meters by 12 metres and its maximum height is around 5.5 metres in total. It is proposed to be finished in olive green PVC such that it would not be visually intrusive. Thus we submit that there would not be an adverse visual impact from its permanent retention on the site.

3.6 The proposal has been carefully considered against national and local planning policies and it is concluded that the proposal to site the polytunnel would be consistent with the policies of the West Oxfordshire Local Plan and the policies in the NPPF. It would support the continued viability and effective working of an existing rural business. Due to the nature of the proposal, there will be no harmful impact upon the setting of the site and its current uses or the landscape in this location.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
E1NEW Land for employment  
E2NEW Supporting the rural economy  
E3NEW Reuse of non residential buildings  
EH2 Landscape character

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 Under ref 21/01446/FUL retrospective planning permission was granted for conversion of existing buildings on the land and a yard area for the repair and upgrading of motor vehicles, vehicle storage and coachbuilding.

5.2 This application is for an olive green polytunnel construction to be attached to top of and between two containers located within the yard in order to provide a covered, sheltered working area. The maximum height of the polytunnel covering is 5.6m above ground level.

5.3 The application could have been a delegated matter given that the Parish Council has not objected. However, it is before Members for consideration following the Committees request that all applications at Enstone Airfield be referred to the Uplands Area Planning Sub Committee for determination.

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 Given that the buildings and land on the site are approved for commercial purposes the principle of providing a cover to provide shelter over an outside working area is considered acceptable.

### **Siting, Design and Form**

5.6 The polytunnel cover which is approximately 12m by 12m with a maximum height of 5.6 m above ground level will sit comfortably within the enclosed yard area. Given that there are hangars serving the airfield of similar material (olive green PCV ) and curved roof forms in close proximity to the site, its form will not appear alien or out of character, particularly given the context of both Enstone Airfield and the industrial complex.

### **Landscape Impact**

5.7 Given the location of the development within the enclosed yard area serving the commercial use, adjacent to the chicken farm and in close proximity to other buildings and uses associated with both the airfield and the industrial estate, Officers consider that from wider viewpoints offsite the polytunnel cover will not appear as highly discernible features in the landscape.

### **Conclusion**

5.8 In light of the above assessment the proposal is considered compliant with local plan policies OS1, OS2, E1 and EH2 of the West Oxfordshire Local Plan 2031 and 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 development shall be constructed with the materials specified in the application.

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

**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 1st December 2021



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## West Oxfordshire District Council – DELEGATED ITEMS

### Application Types Key

<u>Suffix</u>		<u>Suffix</u>	
ADV	Advertisement Consent	LBC	Listed Building Consent
CC3REG	County Council Regulation 3	LBD	Listed Building Consent - Demolition
CC4REG	County Council Regulation 4	OUT	Outline Application
CM	County Matters	RES	Reserved Matters Application
FUL	Full Application	S73	Removal or Variation of Condition/s
HHD	Householder Application	POB	Discharge of Planning Obligation/s
CLP	Certificate of Lawfulness Proposed	CLE	Certificate of Lawfulness Existing
CLASSM	Change of Use – Agriculture to Commercial	CND	Discharge of Conditions
HAZ	Hazardous Substances Application	PDET28	Agricultural Prior Approval
PN42	Householder Application under Permitted Development legislation.	PN56	Change of Use Agriculture to Dwelling
PNT	Telecoms Prior Approval	POROW	Creation or Diversion of Right of Way
NMA	Non Material Amendment	TCA	Works to Trees in a Conservation Area
WDN	Withdrawn	TPO	Works to Trees subject of a Tree Preservation Order
		FDO	Finally Disposed Of

<u>Decision Code</u>	<u>Description</u>	<u>Decision Code</u>	<u>Description</u>
APP	Approve	RNO	Raise no objection
REF	Refuse	ROB	Raise Objection
PIREQ	Prior Approval Required	P2NRQ	Prior Approval Not Required
P3APP	Prior Approval Approved	P3REF	Prior Approval Refused
P4APP	Prior Approval Approved	P4REF	Prior Approval Refused

## West Oxfordshire District Council – DELEGATED ITEMS Week Ending 5th November 2021

Application Number.	Ward.	Decision.
I. <b>21/00874/HHD</b> Affecting a Conservation Area	The Bartons	APP
<p>Alterations to an existing outbuilding and provision of a new ground floor WC to the main house and installation of heat pump.  <b>Brandon House Manor Road Sandford St Martin</b>                      Mr Mario Lemme</p>		

2. **21/00875/LBC** The Bartons APP  
Affecting a Conservation Area
- Alterations to an existing outbuilding and provision of a new ground floor WC to the main house and installation of heat pump.  
**Brandon House Manor Road Sandford St Martin**  
Mr Mario Lemme
3. **21/01504/CND** Stonesfield and Tackley WDN
- Discharge of conditions 3 (detailed schedule of materials) and 4 (details of integrated bat roosting features and nesting opportunities for bats) of planning permission 18/01761/FUL  
**Gate Farm Park Road Over Kiddington**  
Mr Matthew Fielden
4. **21/01632/HHD** Chadlington and Churchill APP
- Reinstate historic openings in the barn. Erection of lightweight extension to replace current. Demolition of existing modern timber car port and breeze block stable building, replacing with landscaping and a semi-sunken parking structure.  
**Hillside House Bull Hill Chadlington**  
Mr & Mrs Passey
5. **21/01633/LBC** Chadlington and Churchill APP
- Reinstate historic openings in the barn. Erection of lightweight extension to replace current. Demolition of existing modern timber car port and breeze block stable building, replacing with landscaping and a semi-sunken parking structure.  
**Hillside House Bull Hill Chadlington**  
Mr & Mrs Passey
6. **21/01695/CND** Burford APP  
Affecting a Conservation Area
- Discharge of conditions 3 (schedule of materials), 4 (external window and door details) and 6 (surface water scheme) of planning permissions 20/02830/FUL and 20/02831/LBC  
**Chevrons Swan Lane Burford**  
Mrs Penny Bigwood
7. **21/01893/LBC** Charlbury and Finstock APP  
Affecting a Conservation Area
- Replace four windows, 3 at the rear and 1 at the front of the house, with wood frames and slim line double glazing (amended description and plans)  
**Market House Church Street Charlbury**  
Mrs Alice Pryce

8. **21/02066/CND** Hailey, Minster Lovell and APP  
Leaffield  
Affecting a Conservation Area  
  
Discharge of condition 4 (roof slate sample) of planning permission 21/00701/LBC  
**Old George House The Green Leaffield**  
Mr and Mrs Burns
9. **21/02285/HHD** Kingham, Rollright and Enstone WDN  
Affecting a Conservation Area  
  
Replacement of existing garage with the erection of an oak framed garage with ancillary accommodation above  
**Merrymoos High Street Great Rollright**  
Sue Glasson
10. **21/02299/HHD** Kingham, Rollright and Enstone WDN  
Affecting a Conservation Area  
  
Erection of an oak framed carport in position of existing garage structure.  
**Byways Barn High Street Great Rollright**  
Mr And Mrs Maharaj
11. **21/02347/CND** Chadlington and Churchill APP  
  
Discharge of condition 3 (details of proposed gates) of planning permission 20/01554/S73  
**Sarsden House Sarsden Chipping Norton**  
Mr & Mrs AC & RP Gallagher
12. **21/02351/HHD** Chadlington and Churchill APP  
Affecting a Conservation Area  
  
Internal and external alterations, including new single storey orangery and associated works (amended plans)  
**Dean Manor Dean Chipping Norton**  
Mr & Mrs Hornby
13. **21/02352/LBC** Chadlington and Churchill APP  
Affecting a Conservation Area  
  
Internal and external alterations, including new single storey orangery and associated works (amended plans)  
**Dean Manor Dean Chipping Norton**  
Mr & Mrs Hornby

14. **21/02413/CND** Chadlington and Churchill APP  
 Discharge of conditions 2 (sample of materials used for external surfaces), 3 (details of access), 4 (Construction Traffic Management Plan), 5 (hard and soft landscape plans), 6 (details of the refuse and recycling area and cycle parking) and 7 (surface water drainage works) of planning permission 17/01079/OUT  
**The Gables West End Chadlington**  
 -
15. **21/02414/CND** Chadlington and Churchill APP  
 Discharge of condition 3 (integrated bat roosting features and nesting opportunities for birds), 6 (surface water disposal) and 7 (window and door frame recessed) of planning permission 20/02577/RES  
**The Gables West End Chadlington**  
 -
16. **21/02415/CND** Chadlington and Churchill APP  
 Discharge of conditions 3 (external wall sample), 4 (roof sample), 5 (window and door details), 7 (surface water disposal), 9 (hard and soft landscaping scheme), 10 (details of the design and specification), 11 (details of stone wall) and 12 (full surface water drainage scheme) of planning permission 19/02460/FUL  
**The Gables West End Chadlington**  
 -
17. **21/02437/FUL** Kingham, Rollright and Enstone APP  
 The siting of four shepherds huts (three for short-term holiday accommodation and one associated reception Shepherd hut) and associated landscaping  
**Harcomb Farm Evenlode Lane Chastleton**  
 Mr Greg Dancer
18. **21/02476/HHD** Ascott and Shipton APP  
 Affecting a Conservation Area  
 Internal alterations and insertion of a new rooflight (amended plans).  
**Home Farm Plum Lane Shipton Under Wychwood**  
 Mr and Mrs Spencer
19. **21/02477/LBC** Ascott and Shipton APP  
 Affecting a Conservation Area  
 Internal alterations and insertion of a new rooflight (amended plans).  
**Home Farm Plum Lane Shipton Under Wychwood**  
 Mr and Mrs Spencer

20. **21/02546/CND** The Bartons APP  
Affecting a Conservation Area
- Discharge of condition 6 (bat roosting features and nesting opportunities for birds) of planning permission 21/00035/FUL  
**57 North Street Middle Barton Chipping Norton**  
Mr Graham Cox
21. **21/02573/OUT** Kingham, Rollright and Enstone WDN
- Outline Planning Application for the erection of 4 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) (Amended Plans)  
**7 Cleveley Road Enstone Chipping Norton**  
Mr And Mr David And Robert Stevens
22. **21/02652/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Alterations to include erection of first floor extension above existing kitchen and installation of additional rooflights. (amended plans)  
**The Rise Hixet Wood Charlbury**  
Mr And Mrs Rickard
23. **21/02655/ADV** Burford APP  
Affecting a Conservation Area
- Erection of a non illuminated hanging sign and a wall mounted notice board affixed to stone boundary wall  
**The Friends Meeting House Pytts Lane Burford**  
Mr Nigel Braithwaite
24. **21/02710/FUL** Kingham, Rollright and Enstone APP
- Erection of an agricultural storage building and access track (amended description).  
**Land North Of Wheatlands Enstone Road Great Tew**  
Mrs Jillian Mellis Haigh

25. **21/02726/S73** Brize Norton and Shilton APP  
 Variation of conditions 2 and 3 of permission 18/02353/HHD to allow the addition of one roof light to west facade, alterations to roof height and pitch of roofs and change from French doors to bi-fold doors along with an additional window, change in roof materials and addition of timber cladding to part of West elevation.  
**The Paddock Asthall Leigh Witney**  
 Mrs Helen Brown
26. **21/02749/S73** Kingham, Rollright and Enstone APP  
 Affecting a Conservation Area  
 Variation of condition 7 of planning permission 18/00605/FUL to allow amended boundary details. (Retrospective).  
**Evenlode House The Green Kingham**  
 Mrs Harvey
27. **21/02791/LBC** Burford APP  
 Affecting a Conservation Area  
 Proposed projecting hanging sign and wall mounted notice board affixed to stone boundary wall  
**The Friends Meeting House Pytts Lane Burford**  
 Mr Nigel Braithwaite
28. **21/02811/LBC** Eynsham and Cassington APP  
 Affecting a Conservation Area  
 Alterations to renovate and repair existing property, to include removal of modern additions, changes to internal layout, install new log burning stove in existing dining room fireplace and over-clad the modern brick built garage.  
**2 Abbey Street Eynsham Witney**  
 Mr Ian Stock
29. **21/02869/S73** Hailey, Minster Lovell and Leafield APP  
 Affecting a Conservation Area  
 Variation of condition 2 of planning permission 21/00836/FUL to allow a reduced sized rebuild of the milking shed together with changes to fenestration.  
**The Leazings Witney Lane Leafield**  
 Mr Steven Taylor

30. **21/02933/HHD** Kingham, Rollright and Enstone APP  
 Rear two storey extension with internal alterations  
**Southcombe Farm Oxford Road Southcombe**  
 Mr And Mrs Laister
31. **21/02936/CND** APP  
 Discharge of condition 8 (fast charge points) of planning permission 21/00987/S73  
**Land West Of Quarhill Close Quarhill Close Over Norton**  
 KATIE KANN
32. **21/03024/HHD** Burford WDN  
 Affecting a Conservation Area  
 Proposed small extension, upgrade existing extension and alterations.  
**The Cobblers House 35 Witney Street Burford**  
 Mr & Mrs Lawton
33. **21/03025/LBC** Burford WDN  
 Affecting a Conservation Area  
 Small extension, upgrade existing extension and alterations  
**The Cobblers House 35 Witney Street Burford**  
 Mr & Mrs Lawton
34. **21/03034/HHD** Hailey, Minster Lovell and Leafield APP  
 Affecting a Conservation Area  
 Proposed double garage (amended plans)  
**73 Lower End Leafield Witney**  
 Mr P Paige
35. **21/03049/PN56** Freeland and Hanborough P4REF  
 Change of use of an agricultural building to create a single dwelling house along with proposed building operations.  
**Goose Eye Farm Eynsham Witney**  
 Mr Dustin Dryden

36. **21/03065/HHD** Chipping Norton APP  
Affecting a Conservation Area
- Erection of single storey extension to form boot room.  
**6 Albion Place Chipping Norton Oxfordshire**  
Ms Lisa Barnes
37. **21/03071/FUL** Kingham, Rollright and Enstone APP
- Erection of four ancillary structures in and around the existing stable courtyard, to provide a chicken coop and toy storage, pram and pushchair storage, animal feed and hay store and a playhouse den (retrospective)  
**Soho Farmhouse Great Tew Chipping Norton**  
Soho House UK Limited
38. **21/03106/HHD** Freeland and Hanborough APP
- Erection of single storey rear and side extensions  
**1 Church View Freeland Witney**  
Ms Maria Admans
39. **21/03082/HHD** Chadlington and Churchill APP  
Affecting a Conservation Area
- Erection of two single storey rear extensions  
**Barley Cottage Junction Road Churchill**  
Mr And Mrs Covington
40. **21/03083/S73** Milton Under Wychwood APP
- Variation of condition 2 of planning permission 19/03113/FUL to allow alterations to the design of the entrance gate and gate design  
**Old Foxcote Farmhouse Foscot Chipping Norton**  
Mr And Mrs Helm
41. **21/03132/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Demolish existing outbuilding and erection of single storey rear extension. Formation of vehicular access onto highway and create two parking spaces.  
**12 School Road Finstock Chipping Norton**  
Mrs Karen Smith

42. **21/03121/HHD** Ascott and Shipton APP  
Affecting a Conservation Area
- Demolition of existing, and construction of larger replacement, front entrance porch.  
**4 Littlebrook Meadow Shipton Under Wychwood Chipping Norton**  
Mr Mervyn Cawley
43. **21/03126/S73** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Variation of condition 2 of permission 20/03175/HHD to replace an existing window with a timber casement to match the style of other existing windows on the cottage and alterations to the apex of the hipped roof.  
**Cooks Cottage West End Kingham**  
Mr and Mrs James Brookes
44. **21/03131/HHD** Brize Norton and Shilton APP
- Erection of a replacement conservatory  
**Spring Grove Cottage Field Assarts Witney**  
Mr K Holdsworth
45. **21/03148/CLP** The Bartons APP  
Affecting a Conservation Area
- Certificate of Lawfulness (conversion of detached garage to ancillary living accommodation)  
**23 Enstone Road Middle Barton Chipping Norton**  
Mr and Mrs Richard Hall
46. **21/03158/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Installation of an air source heat pump to provide a renewable heating source for the family home.  
**Timber Yard Cottages Enstone Road Little Tew**  
Mr Justin Parker
47. **21/03170/CND** Kingham, Rollright and Enstone APP
- Discharge of condition 5 (schedule of materials) of planning permission 21/00508/FUL  
**Heythrop Park Hotel Heythrop Park Heythrop**  
Warner Leisure Hotels

48. **21/03178/HHD** Ascott and Shipton APP  
 Conversion of roof space above carport to provide residential accommodation.  
**Quarry Hill Farm Leafield Road Shipton Under Wychwood**  
 Mr Robert Biles
49. **21/03187/FUL** Kingham, Rollright and Enstone APP  
 Alterations to main dwelling including erection of single storey side extension. Demolition of existing garage and construction of replacement detached outbuilding comprising double garage and workshop with self contained annexe/flat above.  
**Little Brook House Chastleton Moreton-In-Marsh**  
 Mr G Besterman
50. **21/03188/HHD** Stonesfield and Tackley APP  
 Render the frontage brick areas. Change windows to dark grey aluminium. Use a light grey cladding to replace only areas that are currently clad in white plastic. Change one window to a french door.  
**10 Balliol Close Tackley Kidlington**  
 Mr Douglas Holloway
51. **21/03189/HHD** Stonesfield and Tackley APP  
 Affecting a Conservation Area  
 Insertion of two rear facing velux rooflights to annex building  
**Waterloo Barn Laughton Hill Stonesfield**  
 Mr Bates
52. **21/03182/HHD** Kingham, Rollright and Enstone APP  
 Erection of single storey extensions. Alterations to include the construction of two rear dormers and conversion of garage to games room with first floor above.  
**Forge Cottage Church Enstone Chipping Norton**  
 Ms Erica Fiorucci
53. **21/03185/CLP** Woodstock and Bladon APP  
 Certificate of lawfulness (erection of a single storey rear extension and provision of bi-fold glazed doors to the east and west ground floor elevations).  
**64 Hensington Road Woodstock Oxfordshire**  
 Mrs Ashcroft

54. **21/03191/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Timber clad addition to stone outbuilding to replace existing shed and new doorway to link to provide Home Office, guest bedroom and WC  
**Garden House 2 The Lane Chastleton**  
Mr G Gregory
55. **21/03192/LBC** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Timber clad addition to stone outbuilding to replace existing shed and new doorway to link to provide Home Office, guest bedroom and WC  
**Garden House 2 The Lane Chastleton**  
Mr G Gregory
56. **21/03194/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- To install an electric car charging point in the garden, to be mounted on a Tesla-approved mounting post  
**The Old Post Office Main Street Over Norton**  
Dr Dipak Kalra
57. **21/03200/LBC** Burford APP  
Affecting a Conservation Area
- Internal changes, including: replacing the ground to first floor staircase with slightly less steep pitch and a new balustrade; alterations to studwork to improve bathroom and bedroom spaces; removing a pier in the kitchen and re-working the twin openings to give a single opening; replacing decayed timber floors in the front ground floor rooms with limecrete; replacing decayed timber joists to the first floor. External changes, including: reinstating a rooflight to a rear roof slope; installing a zinc sheet roof covering around. Partly retrospective.  
**The Bield 19 Witney Street Burford**  
Mr Eugene Hanniffy
58. **21/03203/HHD** Ascott and Shipton APP  
Construction of detached oak framed garage with side store.  
**The Grange 12 Shipton Road Ascott Under Wychwood**  
Mr And Mrs Chris And Kate Kay

59. **21/03208/HHD** Stonesfield and Tackley APP  
Affecting a Conservation Area
- Alterations to include erection of two storey and first floor front extension with canopy over front entrance.  
**89 Medcroft Road Tackley Kidlington**  
Mr And Mrs Ward
60. **21/03211/HHD** Kingham, Rollright and Enstone APP
- Erection of first floor extension over existing garage and provision of external staircase.  
**14 The Spinneys Enstone Chipping Norton**  
Ms P Woolcock
61. **21/03224/FUL** Chadlington and Churchill APP
- Change of use from place of worship to single dwelling with new vehicular access  
**Chadlington Methodist Church West End Chadlington**  
Mr E Fowler
62. **21/03227/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Erection of a replacement greenhouse  
**Stoneleigh Sturt Road Charlbury**  
Mr Richard Lambert
63. **21/03242/CLP** Kingham, Rollright and Enstone APP
- Certificate of Lawfulness (conversion of garage to utility room and insertion of glazed screens)  
**Barnmead Church Enstone Chipping Norton**  
Mrs Katie Pryce
64. **21/03430/LBC** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- External alterations to install an air source heat pump to provide a renewable heating source for the family home  
**Timber Yard Cottages Enstone Road Little Tew**  
Mr Justin Parker

65. **21/03245/HHD** Chadlington and Churchill APP  
Affecting a Conservation Area
- Erection of a single storey rear extension and a detached garage with office in roof space  
**Springhill Lodge Spelsbury Chipping Norton**  
Mr And Mrs Mark Nicholson
66. **21/03254/CND** Ascott and Shipton APP  
Affecting a Conservation Area
- Discharge of conditions 3 and 6 of permission 21/00991/FUL (Schedule of materials and finishes with illustrations/drawings)  
**Land North Of Gas Lane And Ascott Road Shipton Under Wychwood**  
Mr Vince O'Brien
67. **21/03257/FUL** Hailey, Minster Lovell and APP  
Leaffield
- Erection of three agricultural buildings.  
**Fairspear Hill Farm Fairspear Road Leaffield**  
Mr And Mrs Adams
68. **21/03259/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Insertion of two dormers in rear of roof and two roof lights in front roof (amended plans)  
**37 Ticknell Piece Road Charlbury Chipping Norton**  
Mr & Mrs Edeson
69. **21/03263/HHD** Ascott and Shipton REF
- Proposed two Storey pitched roof rear extension and single storey flat roof side extension  
**Station House Station Road Shipton Under Wychwood**  
Mr James Janssen
70. **21/03266/CND** Charlbury and Finstock REF
- Discharge of conditions 3 (specification details), 6 (construction traffic management plan), 7 (surface water drainage scheme), 8 (construction management plan), 12 (scheme of hard and soft landscaping) and 13 (trees in relation to design, demolition and construction) of planning permission 15/03099/FUL  
**Land South Of Forest Road Charlbury**  
C/O Agent

71. **21/03281/LBC** Woodstock and Bladon APP  
 Full inspection and repair works to structure above the Green Writing Room Ceiling. Requires removal and renewal of existing parquet floor to the Sunderland Bedrooms (amendment to previous listed building consent 20/00239/LBC - works as previous with the exception that existing floorboards are now no longer to be re-introduced). Partly retrospective.  
**Blenheim Palace Blenheim Park Woodstock**  
 Ms Heather Carter
72. **21/03298/HHD** Chadlington and Churchill APP  
 Single storey rear extension  
**12A Chipping Norton Road Chadlington Chipping Norton**  
 Mr & Mrs Davis
73. **21/03324/LBC** Burford APP  
 Affecting a Conservation Area  
 Proposed rebuilding of stone/brick chimney stack on south elevation  
**Butlers Cottage 47 High Street Burford**  
 Mr Russell Hopcraft
74. **21/03327/HHD** Hailey, Minster Lovell and Leafield APP  
 Affecting a Conservation Area  
 Erection of first floor link from main bedroom in the cottage to annex, using cladding for the walls and imitation stonesfield slate for the roof  
**Vine Cottage 99 Lower End Leafield**  
 Miss Robina Wickens
75. **21/03357/S73** Kingham, Rollright and Enstone APP  
 Variation of conditions 1 and 2 of planning permission 18/02236/FUL (to allow retention of the post and rail fence/ hedge and retention of existing hardcore surface dressing on the southern section of the track).  
**Beaconsfield Farm Great Tew Chipping Norton**  
 Mr N Clarry
76. **21/03360/HHD** Kingham, Rollright and Enstone APP  
 Affecting a Conservation Area  
 Erection of detached garden room  
**Lyndhurst Church End Swerford**  
 Mr & Ms Nick and Charlotte Davies & Callinan

77. **21/03395/PDET28** Kingham, Rollright and Enstone P2NRQ  
 Erection of one re-purposed nissen building for storage and two polytunnels.  
**Littlebrook Farm Chipping Norton Road Little Tew**  
 Tiff Loehnis
78. **21/03408/HHD** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Proposed garden room and garden store  
**I Rose Cottages Fawler Chipping Norton**  
 Mrs Sarah Ball
79. **21/03431/DEM** Kingham, Rollright and Enstone P2NRQ  
 Demolition of maintenance building.  
**Heythrop Park Hotel Heythrop Park Heythrop**  
 Warner Leisure Hotels
80. **21/03473/NMA** Kingham, Rollright and Enstone APP  
 Affecting a Conservation Area  
 Alterations and erection of new front porch, addition of second dormer to front elevation and new glazing (Non Material Amendment to 20/01535/HHD to allow alterations to porch and gable fenestration)  
**11 Manor Farm Close Kingham Chipping Norton**  
 Mr A Boyd
81. **21/03512/CND** Chipping Norton APP  
 Discharge of condition 4 (details of access between the land and the highway) of planning permission 21/02747/HHD  
**69 Cotswold Crescent Chipping Norton Oxfordshire**  
 Mr David Shadbolt
82. **21/03517/HHD** Chipping Norton APP  
 Single storey rear extension  
**46 Insall Road Chipping Norton Oxfordshire**  
 Mr Daniel McCayl

83. **21/03638/NMA** Milton Under Wychwood REF  
Erection of two storey and single storey rear extension and insertion of two dormer windows in existing rear roof. Insertion of first floor window and rooflight in North elevation, remove existing and rebuild new larger rear lean-to and relocate door to outbuilding (amended). (Non-material amendment to 19/01180/HHD to allow the Installation of a combined air source heat pump and air conditioning unit).  
**2 Church Street Fifield Chipping Norton**  
Mrs Ana Morales
84. **21/03674/CND** Burford APP  
Discharge of condition 3 (schedule of materials) of planning permission 19/03151/FUL  
**Tansley Farm Shilton Road Burford**  
Mr Alokik Advani
85. **21/03712/NMA** Woodstock and Bladon APP  
Erection of two semi-detached dwellings together with associated works and access (non-material amendment to allow changes to fenestration, additional pv panels and tiled cills and timber faced lintels in place of stone cills and heads to external openings).  
**Former Village Hall Grove Road Bladon**  
Vanbrugh Unit Trust

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>Uplands Area Planning Sub-Committee: Monday 13 December 2021</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. 6</b></p>
<p>Subject</p>	<p><b>Progress on Enforcement Cases</b></p>
<p>Wards affected</p>	<p>As specified in <a href="#">Annex A</a></p>
<p>Accountable officer</p>	<p>Phil Shaw, Business Manager, Development Management Email: <a href="mailto:phil.shaw@publicagroup.uk">phil.shaw@publicagroup.uk</a></p>
<p>Author</p>	<p>Kim Smith, Principal Planner (Enforcement) Tel: 01993 861676 Email: <a href="mailto:kim.smith@westoxon.gov.uk">kim.smith@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations</p>
<p>Annex</p>	<p><a href="#">Annex A</a> – Schedule of cases (Sections A to C)</p>
<p>Recommendation</p>	<p>That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of <a href="#">Annex A</a> be noted.</p>
<p>Corporate priorities</p>	<p>N/A</p>
<p>Key Decision</p>	<p>N/A</p>
<p>Exempt</p>	<p>No</p>

## **I. BACKGROUND AND MAIN POINTS**

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 324 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 20% of the total caseload.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. There are no financial implications resulting from this report.

## **3. ALTERNATIVE OPTIONS**

- 3.1. Not applicable, as the report is for information.

## **4. BACKGROUND PAPERS**

- 4.1. None

**SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD**

The cases listed in the following section are those where a notice has been served and the requirements have not been met within the compliance period or there has been an unauthorised display of advertisements. This means that an offence is likely to have been committed and that the Council need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed Building allowed to fall into a state of disrepair	<p>The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.</p> <p>Report to Cabinet in November 2018 recommended that if the building is to be secured it will be necessary to enact the resolution to compulsorily purchase it and make budgetary provision for such action. A full report was put to Council on 23 January 2019 and agreed.</p> <p>Since then:</p> <p>Building Control has continued inspections to review safety of the structure.</p> <p>Estates commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action.</p>	<p>Following review with Building Control the owners of the property are due to commence repair works to the rear of the property. Details are being agreed with Conservation Officers.</p> <p>Supporting scaffold across the rear of the building was installed which is providing support to the rear wall and internal corner area. This will also provide a safe working platform to carry out repairs to the rear wall.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
The Bull Inn, Sheep Street, Charlbury	Unauthorised external flue and extraction system.	<p>Applications were refused for the same extraction flue at a different location on the building (Ref nos. 17/00790/FUL and 17/00791/LBC).</p> <p>In light of the refused applications and the fact that the existing system that is in situ was considered to adversely impact on both the architectural character and appearance of the listed building and the Conservation Area, your Officers prepared an enforcement report with a recommendation to take formal enforcement action. Members resolved to approve such action and an Enforcement Notice was issued requiring removal of the unauthorised flue.</p>	<p>The Enforcement Notice was the subject of an appeal which was dismissed on 30 October 2018 and the enforcement notice upheld.</p> <p>Listed Building Consent and Planning Permission were subsequently approved for an alternative extraction unit and flue which has been implemented.</p> <p><b>CLOSE</b></p>
Manor Farm, Great Rollright	Unauthorised storage of 3 caravans on land	The landowner was advised that the storage of caravans on the land is a breach of planning control and that it was considered expedient in this case to proceed to formal Planning enforcement action.	<p>An Enforcement notice was issued requiring cessation of the unauthorised storage use and removal of the 3 caravans. It was not the subject of an appeal and the date for compliance has now expired.</p> <p>2 caravans have been removed from the land and one remains in situ. Whilst this is clearly a breach of the full requirements of the notice the planning harm has been significantly reduced such that at this time it is not considered expedient to pursue compliance through the Courts.</p> <p>The Enforcement notice runs with the land and Officers will continue to liaise with those who have an interest in the land to secure removal of the remaining caravan voluntarily.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Manor Farm, Great Rollright	Alleged non - compliance with an agricultural tie on the farmhouse.	The house has been let as a holiday let in breach of condition 5 of planning permission 04/1203/P/RM which restricts occupancy of the dwelling to a person/persons solely or mainly working in agriculture/forestry.  The owner has claimed that through time the holiday let use is lawful. Despite this claim no lawful development certificate has been submitted to seek to evidence the alleged lawful use	In the absence of the submission of either a planning application or lawful development certificate application in an attempt to seek to regularise the breach an Enforcement Notice (Breach of Condition) was issued which was the subject of an appeal to the Planning Inspectorate.  The appeal was subsequently withdrawn and the Enforcement Notice has come into effect.  At the time of writing there is no evidence that the farmhouse is being actively used as a holiday let.
Lower Farm, Witney Lane, Leafield	Unauthorised change of use of land to garden and construction of a hard surfaced tennis court.	Planning permission for the alleged unauthorised development was refused and dismissed at appeal under 15/01884/FUL	Two Enforcement Notices have been served. One for a change of use of land and one for creation of a hard surfaced tennis court. Both notices were appealed.  Both appeals were dismissed and the Enforcement Notices upheld.  A site visit will be carried out prior to 13 December in order to confirm compliance or otherwise with the Enforcement Notices. A verbal update will be given at the meeting

### SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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No cases are presently listed within this category.

**SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY**

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
The Beeches, Old London Road, Chipping Norton	<p>Car park extension. Additional caravans located on the periphery of the site.</p> <p>Extension of the site to the south of the site access.</p>	<p>Officers have noted that a number of plots on the periphery of the site have additional caravans on them. Further that there is a car park extension to the south east of the site. Whilst Officers do not consider the car park extension to be harmful, the peripheral expansion of the site does result in the site appearing more visually prominent within the AONB.</p>	<p>As there are likely to be a number of issues relating to the alleged breaches of planning control on the land that are not planning matters, Officers are seeking to liaise with other relevant Services within the Council and possibly other agencies in order to discuss the best way to approach the investigation.</p> <p>Officers have recently revisited the site in order to re-assess any harms resulting from the breaches that have been identified and have concluded that in terms of the peripheral expansion that has taken place on some of the plots that further action is required.</p> <p>As Members were advised in March progress on the alleged breaches on this site has been protracted due to the complexity of the issues and the change in working practice/site visit protocols as a result of Covid 19 and associated lockdowns. In addition progressing the issues surrounding the breaches on the caravan park require hours of Officer input across various of the councils services and in order to be effective may require additional resources.</p> <p>In respect of an unauthorised extension of the site onto land to the south of the existing access a retrospective application was submitted and planning permission has been recently granted for occupation of the land by a gypsy family.</p>
26 High Street, Ascott under Wychwood	<p>Unauthorised change of use of land from agricultural to garden.</p>	<p>Planning application 16/03240/FUL was submitted in an attempt to regularise the breach. It was refused on the grounds that the extension of the garden curtilage adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.</p>	<p>In light of the refusal of planning permission and in the absence of an appeal your officers anticipated that if the unauthorised change of use was not resolved voluntarily that it would be expedient to issue a Planning Enforcement Notice in respect of the breach.</p> <p>It has however been difficult to date to confirm whether or not the contravener has ceased using the land as garden because of the ability to move goal posts, trampolines etc very easily on to and off of the land.</p> <p>In light of the above periodic monitoring of the site has been undertaken and a recent site visit has identified that the land in question appears to be being used as</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			<p>a garden. Also it has been noted that the adjoining property appears to have extended its garden.</p> <p>The extended garden uses do not appear to result in 'material' harm to the rural character and appearance of the area. However, to ensure that 'permitted development' rights are not established which could result in visually intrusive outbuildings your officers are of the opinion that retrospective applications need to be sought in order to impose conditions restricting those rights.</p> <p>A planning application has been invited.</p>
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	<p>Applications for part retrospective works have been approved under 19/01293/FUL and 19/01294/LBC.</p> <p>A site visit will be carried out prior to 13 December to determine whether or not the approved works have been implemented. A verbal update will be given at the meeting.</p>
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	<p>Six months ago Officers reported to Members that over the preceding six month period the owner of the property had had repair and maintenance work carried out to the roof of the cottage and has confirmed that there has been no spread of the thatched roof on the outbuilding in the garden.</p> <p>The Condition of the barn has been monitored by officers and a site visit by the Council's architect to re- assess the issue of 'spread' of the thatched roof on the listed outbuilding was carried out earlier this year.</p> <p>Your Conservation Officer has been in correspondence with the property owner and advised that a Master Thatcher will attend the property at the end of this year and repair on a like for like basis.</p>
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	<p>Amended application seeking to address archaeological and landscape issues was approved under reference 18/02236/FUL.</p> <p>A site visit some six months ago confirmed that the landscaping and surface finish of the track did not accord with the planning permission that has been granted.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			A further planning application was submitted with some variances to the conditions attached to 18/02236/FUL..This application was recently approved and the applicants intend implementing the permission expeditiously in order to address the present breach.
Enstone Airfield	<p><b>Ownership A</b></p> <p>2xUnauthorised buildings in commercial use</p> <p><b>CLOSE</b></p> <p>Use of compound as a lorry park and for the siting of residential caravans</p> <p>Scaffolding Business, porta loo hire business and storage of containers</p> <p>Unauthorised storage of waste material( a County Council and Environment Agency issue)</p> <p><b>Ownership B</b></p> <p>Erection of a run of 7 hangars</p>	<p>Since the September 2020 update to Members a comprehensive review of the northern side of the airfield has been undertaken by your officers.</p> <p>The breaches that have been identified are listed in the left hand column.</p>	<p>Members will note that there are a number of alleged breaches in respect of various interests.</p> <p><b>Since the March update the following matters have been regularised through the submission of retrospective planning applications. These are as follows:</b></p> <p><b>Ownership A-</b> 2 buildings in commercial use- 21/01445/FUL</p> <p>Storage of waste material- Application submitted to OCC for a temporary use of the land for the storage and sorting of waste.</p> <p><b>Ownership C-</b>Erection of hangar north of the grass airstrip- 21/01303/FUL</p> <p><b>Ownership B-</b> Provision of car park to the North side of maintenance hangar accessed from 'Green Lane' part retrospective- 21/02022/FUL</p> <p>Extension of existing aircraft maintenance hangar to form 'lean to' hangar for indoor aircraft maintenance. (Retrospective)- 21/00879/FUL</p> <p>It is claimed that the run of 7 hangars is lawful.</p> <p>In terms of the alleged breach of flying hours there is no 'material' evidence that the planning condition that relates to aircraft movements across the airfield is being breached. The condition allows for up to 200 movements per day with no more than 40 of the movements taking place in any one hour. Your Officers when visiting the airfield for various reasons monitor aircraft movements. During the last visit Officers noted that within a one and a half hour period whilst on site, there were 2 movements, one take off and one landing. At an earlier date in October when on site for approximately 50 minutes 1 movement was noted. There have never been more than 5 movements per hour noted by officers which falls far short of the 40 movements per hour approved.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	<p>Extension to an existing hangar</p> <p><b>CLOSE</b></p> <p>Removal of the landscaping to the rear of hangars/buildings to the north of the north eastern end of Green Lane and engineering operations and provision of hard standings to create car parking areas.</p> <p><b>CLOSE</b></p> <p>Breach of flying hours in respect of the grass airstrip.</p> <p><b>CLOSE</b></p> <p><b>Ownership C</b></p> <p>Erection of a hangar north of the grass airstrip</p> <p><b>CLOSE</b></p> <p><b>Shooting School</b></p>		

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	Alleged expansion of shooting area without complying with noise bund construction.		
The Thatched Cottage, The Slade, Charlbury	Replacement fence	The landowner is of the opinion that the replacement fence is 'like for like' in terms of its alignment, materials and height.	Officers have taken the view that the fence is not a 'like for like' and as such needs planning permission.  Since the March update planning permission has been granted and the fence has been realigned in accordance with the approval. Breach has ceased . <b>CLOSE</b>
Wychwood Grange, Fordwells	Alleged unauthorised material change of use from two dwellings to a single 'party house'	The site formerly consisted of two dwellings which are now occupied as a single unit accommodating up to 30 people	At the time of writing this matter is still under consideration. Whether or not there is a breach of planning control is complicated and based on how the property is let in terms of occupiers, the frequency of lets, how frequently the property is serviced and a number of other factors including context.  Ordinarily the creation of one dwelling by way of internal alterations from two dwellings is not development.  What we need to establish is whether or not there is a 'material' change of use from a C3 dwelling house to a sui generis use.  Officers are considering case law in order to determine whether or not in this case there is such a change of use.
Doggetts House, Churchfields, Stonesfield	Non- compliance with planning conditions attached to 11/1252/P/FP which relate to access, parking	OCC Highways has advised that in this instance on-site parking should be provided in accordance with the planning conditions for highway safety reasons.	Planning permission granted for demolition of an existing stone boundary wall and formation of a new vehicular access together with the construction of entrance gates and new walling. Works to be implemented within six months of 1 September 2021.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
	and a turning area that has not been installed.		
Land adjoining The Old Quarry, Ledwell Road Great Tew Oxon	Alleged change of use of land to motocross. Construction of motocross track	This is a recent complaint for which no planning permission has been granted. The site is located within the open countryside abutting a right of way and in close proximity to a residential use.	A site visit will be carried out before 13 December in order to determine whether or not the breach has ceased in accordance with landowners advice earlier this year that the track would be removed from the land. A verbal update will be given at the meeting
Annexe at Bondeni, Station Road, Kingham	Use of annex as a separate dwelling/sub division of plot	A CLEUD application has recently been refused for a separate dwelling	The CLEUD application was subsequently dismissed at appeal.  In light of this the expediency of taking formal action to seek to remedy the breach is under consideration at the time of writing.
Southfield House, Sandford-St-Martin	Alleged unauthorised ground works		Planning permission granted under 20/01958/FUL. <b>CLOSE</b>
Barwood Homes, Tackley	Unauthorised footpath construction	It appears that the ground levels of the footpath construction are at variance with the approved levels.	The resultant footpath that runs through and across the site is very elevated and appears as a visually prominent feature.  Officers are in the process of negotiating an amended landscape scheme in order to ameliorate the impact of the footpath as it runs through the site.
41 Manor Road, Bladon	Alleged non-compliance with 18/02054/FUL-land levels lower than approved		Planning permission granted to allow lowering of ground levels under 21/00305/S73. <b>CLOSE</b>
Diddly Squat Farm, Chipping Norton Road, Chadlington	Various alleged breaches of conditions attached to planning permissions.		At the time of writing Officers are in discussions with the agent acting for the landowner in respect of the alleged breaches. A Planning Contravention Notice has been issued in order to obtain information about goods that are being sold from the farm shop which are limited by planning condition.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
West End Farm, Chipping Norton	Unauthorised hard standing		The use of the unauthorised hardstanding for the parking of vehicles/storage etc is considered to potentially harm the setting of Bliss Mill. In light of this the expediency of taking formal enforcement action is under consideration at the time of writing